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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND)
ENFORCEMENT COMMITTEE
)

DATE AND TIME: THURSDAY,
JANUARY 15, 1998
9:30 A.M.

PLACE: BOARD
HEARING ROOM
8800 CAL
CENTER
DRIVE
SACRAMENTO
,
CALIFORNIA

REPORTER: BETH C.
DRAIN, RPR, CSR

CERTIFICATE NO. 7152

BRS FILE NO.: 43546

APPEARANCES

MR. ROBERT FRAZEE, CHAIRMAN
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, EXECUTIVE DIRECTOR MR.
KEITH SMITH, DEPUTY DIRECTOR
MR. ELLIOT BLOCK, LEGAL COUNSEL

MS. DONNELL DUCLO, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; JANUARY 15, 1998

2 9:30 A.M.

3

4 CHAIRMAN FRAZEE: THE MEETING WILL COME TO
5 ORDER, PLEASE. THIS IS THE JANUARY 15TH MEETING OF
6 PERMITTING AND ENFORCEMENT COMMITTEE OF THE CALIFORNIA
7 INTEGRATED WASTE MANAGEMENT BOARD. IF THE SECRETARY
8 WILL CALL THE ROLL, PLEASE.

9 THE SECRETARY: MEMBER RELIS.

10 MEMBER RELIS: HERE.

11 THE SECRETARY: MEMBER JONES.

12 MEMBER JONES: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE
15 PRESENT.

16 DO WE HAVE ANY EX PARTES THIS MORNING?

17 NONE AND NONE FOR ME.

18 WE ARE READY THEN TO PROCEED WITH THE AGENDA.

19 ITEM 1, THE REPORT OF THE DEPUTY DIRECTOR OF THE
20 PERMITTING AND ENFORCEMENT DIVISION, DOROTHY RICE.

21 MS. RICE: THANK YOU, MR. CHAIRMAN AND
22 MEMBERS, AND GOOD MORNING. JUST A FEW REAL BRIEF ITEMS
23 SO YOU CAN GET TO YOUR AGENDA TODAY. FIRST OF ALL, YOU
24 MAY HAVE NOTICED THAT LAST WEEK I SUBMITTED TO YOU THE
25 QUARTERLY REPORT ON DELEGATED APPROVALS MADE UNDER

1 AUTHORITY DELEGATED BY THE BOARD TO THE DIVISION. JUST
2 SOME VERY BRIEF HIGHLIGHTS ON THAT REPORT.

3 I AM ALSO ANTICIPATING THAT COPIES WILL
4 BE AVAILABLE VERY SHORTLY AT THE BACK OF THE ROOM OF
5 THAT REPORT FOR THE AUDIENCE AND FOR YOURSELVES AS WELL
6 IF YOU DIDN'T GET YOUR COPY LAST WEEK. WE'RE HAVING A
7 LITTLE TROUBLE WITH OUR COPIERS OVER IN THE DIVISION,
8 SO THEY'LL BE WALKED IN VERY SHORTLY.

9 THE HIGHLIGHTS BRIEFLY FROM THAT REPORT,
10 FIVE MODIFIED PERMITS WERE APPROVED DURING THE QUARTER
11 WITHIN THE DIVISION, FOUR EMERGENCY WAIVERS AT FOUR
12 DIFFERENT LANDFILLS WERE UPHeld WITHIN THE DIVISION, 32
13 TIRE ENFORCEMENT ORDERS OF VARIOUS KINDS WERE ISSUED
14 DURING THAT QUARTER, SEVEN FINAL CLOSURE PLANS WERE
15 APPROVED; AND, AS YOU KNOW, THE REPORT ITSELF LISTS ON
16 THE BACK SIDE OF IT THE NAMES OF THESE FACILITIES AND
17 THEIR COUNTY, THEIR LOCATION FOR A LITTLE MORE
18 INFORMATION. AND AS ALWAYS, I'D BE HAPPY TO PROVIDE
19 ANY MORE INFORMATION THAT MEMBERS OR ANY MEMBER OF THE
20 PUBLIC WOULD LIKE ABOUT ANY OF THESE APPROVALS THAT
21 OCCURRED DURING THE QUARTER, WHICH WAS NOVEMBER --
22 NO -- OCTOBER, NOVEMBER, DECEMBER, SO THE QUARTER
23 ENDING AT THE END OF DECEMBER.

24 SECONDLY, YOU SHOULD HAVE ALSO JUST
VERY

25 RECENTLY RECEIVED MY MEMO OF JANUARY 13TH

UPDATING OUR

1 KNOWLEDGE OF THE STATUS OF ENFORCEMENT ACTIONS AT
2 STORAGE AND CHIPPING AND GRINDING ACTIVITIES, THE
3 SECOND MEMO FOLLOWING UP ON LAST MONTH'S. IT WAS
4 SUBMITTED TO YOU ON THE 13TH. COPIES OF THAT WILL ALSO
5 BE BROUGHT IN VERY SHORTLY FOR THE AUDIENCE AND FOR
6 MEMBERS AS WELL AND EXECUTIVE STAFF, SHOULD YOU NOT
7 HAVE YOUR COPY WITH YOU.

8 YOU WILL NOTE FROM THE REPORT THAT NO NEW
9 SITES ARE ADDED. WE OBTAINED NO INFORMATION ON NEW
10 SITES, BUT WE DID ATTEMPT TO UPDATE THE STATUS, SO YOU
11 MIGHT WANT TO LOOK AT THAT, AT A NUMBER OF THE SITES
12 LISTED. WE ALSO ATTEMPTED TO INCLUDE VOLUME INFORMA-
13 TION ON THE SITES, SOUGHT THAT WHEREVER WE COULD
14 BECAUSE YOU HAD INDICATED LAST MONTH THAT YOU WERE
15 TRYING TO GET A SENSE OF THE VOLUMETRIC IMPACT
16 STATEWIDE. SO THOSE FIGURES ARE IN THERE WHEREVER WE
17 WERE ABLE TO INCLUDE THEM.

18 ALSO INCLUDED IS THE MOST RECENT APPEAL
19 TO THE BOARD OF A HEARING PANEL DECISION RELATED TO
20 PACIFIC SOUTHWEST FARMS. IT'S JUST AN UPDATE ON THAT
21 ENTRY FOR PACIFIC SOUTHWEST FARMS. AND, OF COURSE,
YOU
22 WILL BE HEARING MUCH MORE ABOUT THIS MATTER AT THE
FULL
23 BOARD MEETING WHEN YOU CONSIDER WHETHER OR NOT TO HEAR
24 THAT APPEAL.

ALSO, SINCE THE TIME THE MEMO WAS

1 PREPARED, WHICH WAS JUST A FEW DAYS AGO, WE LEARNED
2 FROM THE LEA FOR LOS ANGELES COUNTY THAT THE ONE
3 MULCHING FACILITY THAT'S LISTED ON THE UPDATE FOR L.A.
4 COUNTY HAS BEEN ADDRESSED TO THEIR SATISFACTION. SO
5 THAT'S A FURTHER UPDATE. LITTER HAS BEEN PICKED
UP

6 FROM THE SITE TO THE LEA'S SATISFACTION. NO MORE
GREEN

7 WASTE IS BEING ACCEPTED, AND THERE'S A SCHEDULE
FOR

8 ELIMINATING ALL PILES ON SITE BY THE END OF THE
YEAR.

9 SO JUST WANTED TO PROVIDE YOU THAT UPDATE PRIOR TO
NEXT

10 MONTH'S.

11 AS YOU WILL RECALL, FOR PURPOSES OF
THIS

12 PARTICULAR REPORT THAT WE'RE DOING, ENFORCEMENT
ACTIONS

13 ARE INCLUDING NOTICE AND ORDERS, CEASE AND DESIST

14 ORDERS, AND NOTICES OF VIOLATION. ALSO MAY BE

15 NOTEWORTHY TO MENTION, IF YOU HAVEN'T HEARD -- I
JUST

16 LEARNED THIS FROM ELLIOT BLOCK -- THAT THE

PERMANENT

17 REGULATIONS, THE CHIPPING AND GRINDING AND STORAGE
18 STANDARDS, WERE APPROVED BY THE OFFICE OF
ADMINISTRA-

19 TIVE LAW LAST FRIDAY, SO THEY ARE NOW IN FULL
FORCE AND

20 EFFECT AND APPROVED BY OAL.

21 VERY BRIEFLY, I ALSO WANTED TO
PERSONALLY

22 ACKNOWLEDGE ON BEHALF OF MYSELF AND THE DIVISION
WHAT I

23 VIEW AS THE TREMENDOUS CONTRIBUTION OF MR. RELIS
DURING

24 HIS TENURE TO THIS COMMITTEE AND IN PARTICULAR TO
THE

25 WORK OF THE PERMITTING AND ENFORCEMENT DIVISION,

1 SOMETHING THAT MAY NOT ALWAYS BE VISIBLE TO FOLKS.

2 BECAUSE OF THE MANY SIGNIFICANT AND
3 IMPORTANT ISSUES THAT YOU HAVE RAISED TO OUR ATTENTION,
4 PAUL, I FEEL THAT WE HAVE DELVED MORE DEEPLY INTO AREAS
5 OF INQUIRY WE MIGHT NOT HAVE OTHERWISE DONE. AND I
6 FEEL THAT IT HAS ALWAYS BEEN A GOOD THING THAT WE
7 RECEIVED THAT DIRECTION AND DID THAT INQUIRY ON YOUR
8 BEHALF.

9 I CAN ONLY SPEAK MOST DIRECTLY FOR THE
10 PAST YEAR OR SO THAT I HAVE BEEN WITHIN THE DIVISION,
11 BUT EVEN DURING THAT TIME, YOUR INFLUENCE ON OUR WORK
12 HAS BEEN SIGNIFICANT AND WILL NOT BE FORGOTTEN. YOUR
13 GUIDANCE ON REGULATORY DEVELOPMENT, HEALTH AND
14 ENVIRONMENTAL IMPACTS RESULTING FROM FACILITY
15 OPERATIONS, AND THE CONTINUED FOCUS ON THE RELATIONSHIP
16 BETWEEN FACILITY OPERATIONS AND DIVERSION, MEETING OUR
17 50-PERCENT MANDATE ARE THINGS THAT HAVE BEEN IMPORTANT
18 TO THE WORK OF THE DIVISION AND IMPORTANT THINGS FOR US
19 TO KNOW AND FOCUS MORE FULLY ON.

20 ALSO, AS YOU KNOW, A NUMBER OF
21 SIGNIFICANT INITIATIVES HAVE BEEN INITIATED WITHIN THE
22 DIVISION DUE TO YOUR INPUT AND DIRECTION, INCLUDING
23 SOME IN VERY RECENT MONTHS, AND WE PLAN TO SEE THAT
24 THOSE ARE BROUGHT TO FRUITION AS THEY WERE GOOD AND

1 ON THEM, SO I JUST WANTED TO THANK YOU, PAUL.

2 MEMBER RELIS: THANKS VERY MUCH, DOROTHY AND
3 ALL THE STAFF.

4 MS. RICE: THANKS.

5 AND LASTLY, VERY BRIEFLY, REGARDING THE
6 CITY OF SAN DIEGO LEA. AS YOU KNOW, YOU VERY RECENTLY
7 IN NOVEMBER APPROVED THE TEMPORARY CERTIFICATION OF
8 THAT LEA. AND I BELIEVE AT THE TIME OF THE BOARD
9 MEETING ACTION ON THAT REQUESTED THAT THERE BE PERIODIC
10 REPORTS. WANTED TO LET YOU KNOW THAT WE HAVE JUST
11 BEGUN RECEIVING INFORMATION FROM THE LEA. WE'RE
12 REVIEWING THAT INFORMATION AND WILL BE REVIEWING THAT
13 INFORMATION MONTHLY. WE WOULD LIKE TO PLAN ON A FULL
14 REPORT ON ALL ASPECTS OF THE LEA'S PROGRESS AT THE
15 FEBRUARY COMMITTEE AND BOARD MEETINGS AND THEN PERHAPS
16 EVERY TWO MONTHS THEREAFTER OR HOWEVER THE COMMITTEE
17 AND BOARD WOULD DIRECT.

18 AT THIS TIME WE HAVE IDENTIFIED NO MAJOR
19 ISSUES OR CONCERNS WITH THE CITY LEA PROGRAM. AND THAT
20 CONCLUDES MY REPORT.

21 CHAIRMAN FRAZEE: GOOD. ANY QUESTIONS OF THE
22 DEPUTY DIRECTOR? IF NOT, THANK YOU.

23 JUST AS A REMINDER TO THOSE IN THE
24 AUDIENCE, IF YOU WISH TO SPEAK TO THE COMMITTEE ON ANY

25

ITEM ON THE AGENDA TODAY, THERE ARE SPEAKER SLIPS IN

10

1 THE BACK TABLE. IF YOU WOULD FILL OUT ONE OF THOSE AND
2 BRING IT FORWARD, WE WILL SEE THAT YOU ARE CALLED UPON
3 AT THE APPROPRIATE TIME.

4 NOW WE ARE READY TO MOVE TO THE CONSENT
5 CALENDAR, AND WE HAVE JUST A SINGLE ITEM, AND THAT'S
6 THE CONSIDERATION OF A STANDARDIZED SOLID WASTE
7 FACILITY PERMIT FOR THE SUN-LAND GARDEN PRODUCTS
8 COMPOSTING FACILITY IN MONTEREY COUNTY. THIS IS ONE
9 THAT HAD SOME QUESTION IN THE PAST, AND I UNDERSTAND
10 THAT ALL THE ISSUES HAVE BEEN RESOLVED.

11 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
12 MOTION THAT WE ADOPT THE CONSENT CALENDAR.

13 MEMBER RELIS: SECOND.

14 CHAIRMAN FRAZEE: WE HAVE A MOTION AND SECOND
15 ON THE ADOPTION OF THE CONSENT CALENDAR. IF THE
16 SECRETARY WILL CALL THE ROLL, PLEASE.

17 THE SECRETARY: MEMBER RELIS.

18 MEMBER RELIS: AYE.

19 THE SECRETARY: MEMBER JONES.

20 MEMBER JONES: AYE.

21 THE SECRETARY: CHAIRMAN FRAZEE.

22 CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED,
23 AND THAT ITEM WILL BE FORWARDED TO THE BOARD'S CONSENT
24 AGENDA.

25 NOW, ITEM 3 IS THE CONSIDERATION OF A

1 REVISED SOLID WASTE FACILITY PERMIT FOR THE BORON
2 SANITARY LANDFILL IN KERN COUNTY. IF WE COULD
HAVE THE

3 STAFF REPORT ON THIS ONE, PLEASE.

4 MS. RICE: THANK YOU, MR. CHAIRMAN AND
5 MEMBERS. LEW ELLIOTT AND LLOYD DILLON WILL MAKE
THE
6 PRESENTATION FOR STAFF.

7 MR. DILLON: GOOD MORNING, CHAIRMAN AND
8 COMMITTEE MEMBERS. ACTUALLY IT WILL BE LEW
ELLIOTT AND

9 NANCY EWERT FROM THE COUNTY OF KERN.

10 MR. ELLIOTT: GOOD MORNING, CHAIRMAN
FRAZEE

11 AND COMMITTEE MEMBERS. I AM LEW ELLIOTT OF THE
12 PERMITTING AND INSPECTION BRANCH. AS LLOYD SAID,
THIS

13 IS NANCY EWERT OF THE KERN COUNTY WASTE MANAGEMENT
14 DEPARTMENT HERE THIS MORNING. AND WE'RE HERE TO
15 DISCUSS CONSIDERATION OF A REVISED PERMIT FOR THE
BORON

16 SANITARY LANDFILL IN KERN COUNTY.

17 STAFF MEMBERS RECEIVED A REVISED
PERMIT

18 APPLICATION FOR BORON REQUESTING INCREASE IN THE
DAILY

19 TONNAGE FROM 20 TO 200 TONS A DAY, CHANGING THE
HOURS
20 OF OPERATION, AND EXTENDING THE EXPECTED CLOSURE
DATE
21 FROM 2001 TO 2013. IT ALLOWS THE USE OF AN
ALTERNATIVE
22 DAILY COVER, UPDATES THE NAME CHANGE OF THE
OPERATOR,
23 AND INCLUDES ADDITION TO THE FACILITY OF A
GATEHOUSE,
24 GROUNDWATER AND GAS MONITORING SYSTEMS, AND LOAD-
25 CHECKING PROGRAM.

1 STAFF AND THE LEA HAVE MADE A RECENT
2 INSPECTION AT THE SITE. THERE WERE NO OPERATIONAL
3 VIOLATIONS AT THAT TIME. AND AT THIS POINT I'LL TURN
4 THE DISCUSSION OVER TO MS. EWERT.

5 MS. EWERT: GOOD MORNING. USUALLY I DON'T GET
6 TO SIT UP HERE. KERN COUNTY IS PLEASED TO BRING THE
7 BORON PERMIT BEFORE THE SUBCOMMITTEE.

8 THE BORON PERMIT IS A 1979 PERMIT WHICH
9 WE ARE IN THE PROCESS OF UPDATING. THIS IS 13 DOWN,
10 TWO TO GO.

11 YOU MAY QUESTION THE ISSUE OF THE
12 INCREASE FROM 20 TONS PER DAY UP TO 200 TONS PER DAY.
13 WE ARE ASKING FOR AN AVERAGE MONTHLY DAILY TONNAGE OF
14 50 TONS PER DAY; HOWEVER, THE BORON LANDFILL IS IN THE
15 VICINITY OF THE EDWARDS AIR FORCE BASE. AND FROM TIME
16 TO TIME WE DO SEE LARGE INFLUXES OF CONSTRUCTION DEMO
17 WASTE INTO THE LANDFILL. THAT IS THE REASON FOR THE
18 LARGE INCREASE IN DAILY TONNAGE.

19 HOWEVER, ON ACTUALLY AN AVERAGE DAILY WE
20 ONLY ARE ACCEPTING ABOUT 15 TONS PER DAY. THIS IS A
21 VERY SMALL VOLUME LANDFILL. IN FACT, IT IS SO SMALL
22 THAT YOU WILL PROBABLY SEE WITHIN THE NEXT SIX MONTHS A
23 REQUEST COMING BEFORE YOU. WE WOULD LIKE TO LIMIT THIS
24 TO A THREE-DAY-A-WEEK OPERATION WITH THE HOPES OVER THE
25 LONG TERM OF GOING TO A TRANSFER STATION. THIS IS --

1 ON A TONNAGE BASIS, THIS IS LESS THAN A SMALL VOLUME
2 TRANSFER STATION. IT'S A VERY SMALL FACILITY.

3 BUT AS I SAID, THIS IS 13 PERMITS DOWN
4 AND TWO TO GO. AND WE ARE HOPEFUL THAT OUR PERMIT WILL
5 BE APPROVED.

6 CHAIRMAN FRAZEE: OKAY. THANK YOU.
7 QUESTIONS? IF NOT, MOTION.

8 MEMBER RELIS: MR. CHAIR, I'LL MOVE
9 CONCURRENCE.

10 MEMBER JONES: I'LL SECOND.

11 CHAIRMAN FRAZEE: WE HAVE A MOTION AND SECOND
12 TO CONCUR IN THE ADOPTION OF RESOLUTION 98-18,
13 APPROVING THE REVISED SOLID WASTE FACILITY PERMIT FOR
14 THE BORON SANITARY LANDFILL. SECRETARY CALL THE ROLL
15 ON THAT ONE, PLEASE.

16 THE SECRETARY: MEMBER RELIS.

17 MEMBER RELIS: AYE.

18 THE SECRETARY: MEMBER JONES.

19 MEMBER JONES: AYE.

20 THE SECRETARY: CHAIRMAN FRAZEE.

21 CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED. IF
22 THERE'S NO OBJECTION, WE'LL RECOMMEND THIS FOR THE
23 CONSENT CALENDAR TO THE FULL BOARD.

24 NOW, ITEM 4 IS THE CONSIDERATION OF A
25 REVISED SOLID WASTE FACILITY PERMIT FOR THE ACME

1 LANDFILL IN CONTRA COSTA COUNTY.

2 MS. RICE: EXCUSE ME, MR. FRAZEE. COULD THAT
3 LAST ITEM BE RECOMMENDED FOR CONSENT?

4 CHAIRMAN FRAZEE: YES. I THINK I SAID THAT.

5 MS. RICE: DID YOU? WE MISSED IT. SORRY.

6 THANK YOU. BEATRICE POROLI WILL MAKE THE
7 STAFF PRESENTATION, ASSISTED BY REBECCA NG WITH THE
8 LOCAL ENFORCEMENT AGENCY.

9 MS. POROLI: GOOD MORNING. THE OWNER AND
10 OPERATOR OF THE ACME LANDFILL IS MR. BOYD OLNEY,
11 PRESIDENT OF THE ACME FILL CORPORATION. THE PROPOSED
12 PERMIT IS TO ALLOW THE FOLLOWING: CHANGING THE
13 OPERATING DAYS AND HOURS FROM 7 A.M. TO 5 P.M. SEVEN
14 DAYS A WEEK TO 8 A.M. THROUGH 4 P.M. SIX DAYS A WEEK,
15 BE OPEN TO THE PUBLIC ONLY, REDUCE THE ACREAGE FROM
16 503.8 TO 109. THE NORTH PARCEL, WHICH IS THE HAZARDOUS
17 WASTE DISPOSAL UNIT, THE PERMANENT TRANSFER STATION,
18 AND THE BARROW AREA ARE PROPOSED TO BE DELINEATED FROM
19 THE PERMIT. LANDFILL AS DESCRIBED IN THE PROPOSED
20 PERMIT WILL CONSIST OF THE EAST AND SOUTH PARCELS,
21 WHICH ARE THE SOLID DISPOSAL UNIT, CHANGE THE
22 WASTESTREAM TO RECEIVE ONLY WOOD AND GREEN WASTE,
23 CONSTRUCTION AND DEMOLITION, AND OTHER INERT WASTE.
24 MUNICIPAL SOLID WASTE WILL NO LONGER BE ACCEPTED AT

THE

25 SITE.

1 DURING THE MONTHS APRIL THROUGH OCTOBER,
2 THE FACILITY'S OPERATIONS USE GREEN MATERIAL AS
3 ALTERNATIVE DAILY COVER.

4 STAFF REVIEWED THE PROPOSED PERMIT AND
5 SUPPORTING DOCUMENTATION AND HAVE FOUND THEM -- AND
6 FOUND THAT IT MEETS ALL THE REQUIREMENTS ON PAGE 4-3 OF
7 YOUR PACKAGE AND ACCEPTABLE FOR CONSIDERATION BY THE
8 BOARD.

9 IN CONCLUSION, STAFF RECOMMEND THAT THE
10 BOARD ADOPT SOLID WASTE FACILITY PERMIT DECISION NO.
11 98-19, CONCURRING IN THE ISSUANCE OF A SOLID WASTE
12 FACILITY PERMIT NO. 07-AA-0002. MR. NICK FARRIS,
13 REPRESENTING THE OPERATOR, IS PRESENT TO ANSWER ANY
14 QUESTIONS YOU MAY HAVE. THIS CONCLUDES STAFF'S
15 PRESENTATION.

16 MEMBER RELIS: MR. CHAIR, I JUST HAVE A COUPLE
17 OF QUESTIONS. I'D JUST LIKE TO GET AN IDEA HOW MANY
18 TONS ROUGHLY PER DAY DO YOU DEAL WITH OF GREEN WASTE AT
19 THIS SITE?

20 MS. NG: CURRENTLY THE LANDFILL IS RECEIVING
21 APPROXIMATELY A HUNDRED -- AVERAGE OF A HUNDRED TONS --
22 A 120 TONS PER DAY. AND ROUGHLY, I WOULD SAY
23 THREE-QUARTERS OF IT IS GREEN WASTE.

24 MEMBER RELIS: AND OF THAT AMOUNT DURING THE
25 MONTHS THAT ARE ALLOWED, HOW MUCH OF THAT IS USED AS

1 ADC?

2 MS. NG: THE DEMONSTRATION PROJECT USING GREEN
3 WASTE FOR ADC HAD BEGUN IN MID-SEPTEMBER, AND THE WATER
4 BOARD HAS RESTRICTED THEM TO USE GREEN WASTE ONLY FROM
5 APRIL 15TH THROUGH OCTOBER 15TH. SO FOR THE MONTH THAT
6 THE DEMONSTRATION PROJECT WAS IN OPERATION, THE
7 MAJORITY OF IT WAS USED, IF NOT ALL.

8 MEMBER RELIS: OKAY. MAYBE I HAVE A QUESTION
9 THEN FOR THE OPERATOR IF THEY'RE HERE.

10 CHAIRMAN FRAZEE: YES. THE OPERATOR OF THE
11 FACILITY, WOULD YOU MIND COMING FORWARD TO THE PODIUM,
12 PLEASE. GIVE US YOUR NAME FOR THE RECORD.

13 MR. FARRIS: MY NAME IS NICK FARRIS. I'M THE
14 ENGINEERING MANAGER AND OWNER'S REPRESENTATIVE AT THE
15 ACME LANDFILL.

16 MEMBER RELIS: MR. FARRIS, WHAT WILL YOU DO
17 WITH THE GREEN WASTE IN THE TIME DURING THE PERIOD YOU
18 CAN'T USE IT FOR ADC?

19 MR. FARRIS: WELL, CURRENTLY WHAT WE'RE DOING
20 IS LANDFILLING IT.

21 MEMBER RELIS: DO YOU HAVE ANY PLANS TO DIVERT
22 IT?

23 MR. FARRIS: AT ONE POINT WE HAD STARTED A
24 COMPOSTING OPERATION AT THE FACILITY. THAT WAS A FEW
25 YEARS AGO. THE COMPOSTING OPERATION IS NO LONGER IN

1 OPERATION. IT WAS A DEMONSTRATION PROJECT, AND IT DID
2 NOT MEET THE REQUIREMENTS OF -- REGULATORY REQUIREMENTS
3 BASICALLY, SO WE ARE NO LONGER COMPOSTING THE MATERIAL.

4 MEMBER RELIS: DO YOU SEE ANY OPTIONS TO TAKE
5 IT OFF SITE AND HAVE SOMEBODY ELSE DO IT OR MAKE ANY
6 OTHER ARRANGEMENTS?

7 MR. FARRIS: WE HAVE LOOKED INTO THAT. ONE OF
8 THE PROBLEMS IN THE AREA IS THERE ARE A COUPLE
9 FACILITIES THAT ARE COMPOSTING AND THEY'RE INUNDATED
10 WITH GREEN WASTE AS IT IS. SO TO TRY AND FIND OTHER
11 FACILITIES, IT'S DIFFICULT, THAT ARE CLOSE. THERE
12 ARE --

13 MEMBER RELIS: I GUESS I HEAR DIFFERENT
14 THINGS, BUT, YOU KNOW, THE DEMAND SEEMS STRONG FOR THE
15 MATERIAL. AND EVERYTHING I HEAR IN THE FIELD IS THAT
16 WE'RE NOT INUNDATED. I HAVE NO REASON TO DOUBT. I'M
17 JUST GIVING YOU MY TAKE AS I GET AROUND.

18 MR. FARRIS: WE WOULD BE MORE THAN HAPPY TO
19 EXPORT OUR GREEN WASTE TO OTHER FACILITIES. THAT'S NOT
20 A PROBLEM. WE'VE BEEN RESTRICTED UP UNTIL THIS POINT,
21 SO --

22 MEMBER RELIS: I THINK THERE MIGHT EVEN BE
23 PARTIES IN THIS ROOM THAT MIGHT WANT TO TALK TO YOU
24 ABOUT THAT.

25

MR. FARRIS: THAT'D BE WONDERFUL. ON THE
18

1 FACILITY ITSELF WE DO HAVE ALL THE EQUIPMENT NECESSARY
2 FOR COMPOSTING. WE HAVE INVESTED A LOT OF MONEY IN THE
3 PAST. AND UNFORTUNATELY WE ARE NO LONGER DOING THAT.
4 SO IF THE BOARD WOULD LIKE US TO REVISIT THAT, WE DON'T
5 HAVE A PROBLEM.

6 MEMBER RELIS: YOU KNOW, IT'S NOT TIED TO YOUR
7 PERMIT CONSIDERATION. I JUST AM TRYING TO SUGGEST BOTH
8 TO YOU, TO THE CITIES THAT AVAIL THEMSELVES OF YOUR
9 SERVICE AND ALL THAT THERE IS DIVERSION POTENTIAL THAT
10 MAY BE UNTAPPED STILL BECAUSE OF YOUR RESTRICTIONS ON
11 YOUR PERMIT. AND CERTAINLY WE AT THE BOARD WOULD LIKE
12 TO SEE YOU DO AS MUCH AS YOU CAN THAT'S PRACTICAL.

13 MR. FARRIS: ONE OF THE OTHER -- WE ARE
14 CURRENTLY GOING THROUGH CLOSURE OF A COUPLE FACILITIES
15 WHICH ARE NOT PART OF THIS -- NOT PART OF THIS PERMIT.
16 THERE'S A NORTH PARCEL AND AN EAST AND A SOUTH. AND
17 135 ACRES ARE GOING THROUGH CLOSURE RIGHT NOW ON THE
18 NORTH PARCEL, AND THEN IN THE YEAR 2001 WE'LL START
19 CLOSURE OF THE EAST AND THE SOUTH. AS PART OF THAT WE
20 NEED TWO FOOT OF VEGETATIVE LAYER ON BOTH OF THOSE, AND
21 WE ARE GOING TO BE ACCUMULATING, YOU KNOW, GREEN WASTE.
22 AND HOPEFULLY DOWN THE ROAD WE POSSIBLY CAN GET SOME
23 COMPOST ASSOCIATED WITH OUR VEGETATIVE LAYER.

24 MEMBER RELIS: THANK YOU VERY MUCH.

25

MR. FARRIS: THAT MAY BE ANOTHER OPTION.

19

1 CHAIRMAN FRAZEE: WHILE YOU ARE THERE, THE --
2 IT WILL ONLY BE GREEN WASTE FROM SELF-HAULERS; IS THAT
3 CORRECT?

4 MR. FARRIS: THAT'S CORRECT.

5 CHAIRMAN FRAZEE: THE DISTINCTION BETWEEN A
6 SELF-HAULER AND A COMMERCIAL, DOES THAT INCLUDE
7 LANDSCAPE MAINTENANCE PEOPLE OR --

8 MR. FARRIS: YES.

9 CHAIRMAN FRAZEE: THAT'S A SELF-HAULER, AND
10 THAT'S NOT A COMMERCIAL ENTITY.

11 MR. FARRIS: THAT'S CORRECT. WE DO HAVE SOME
12 LANDSCAPE COMPANIES THAT BRING GREEN WASTE INTO OUR
13 FACILITY.

14 CHAIRMAN FRAZEE: BUT NO MUNICIPAL PICK-UP?

15 MR. FARRIS: WE HAVE A LITTLE BIT COMES IN
16 FROM CONTRA COSTA COUNTY WHEN THEY'RE PRUNING LAWN
17 CUTTINGS AND THINGS LIKE THAT. WE HAVE A LITTLE BIT
18 COME IN FROM THEM, BUT THAT'S THE ONLY IF YOU WANT TO
19 CALL THAT A COMMERCIAL.

20 CHAIRMAN FRAZEE: OKAY.

21 MS. NG: CAN I ADD SOMETHING? I WOULD LIKE
22 TO
23 ADD TO WHAT MR. FARRIS WAS TELLING YOU. CURRENTLY OUR
24 COMMUNITY DEVELOPMENT DEPARTMENT, THE SECTION THAT
25 DEALS WITH RECYCLING, IS -- HAS PROPOSED TO TRY TO
26 WORK

25 WITH ACME LANDFILL AND IS ALSO WORKING WITH SOME
20

1 LANDSCAPERS TO POSSIBLY PUT TOGETHER A COMPOSTING
2 PROJECT FOR THAT CENTRAL COUNTY.

3 ALSO, ONE OF OUR OTHER COMPANIES IN THE
4 AREA, WHICH HAS THE COLLECTION -- A COLLECTION COMPANY
5 AS WELL AS LANDFILL AND TRANSFER STATION IN THE AREA IS
6 PROPOSING TO ALSO PUT TOGETHER EITHER A COMPOSTING OR A
7 WOOD CHIPPING OPERATION. SINCE THE COMMERCIAL
8 CONTRACTS, THE FRANCHISE CONTRACT WILL START, THEY WILL
9 START COLLECTING GREEN WASTE FROM THE HOMES THIS YEAR.
10 SO THE GREEN WASTE WILL -- HOPEFULLY THE DIVERSION OF
11 GREEN WASTE IN CONTRA COSTA COUNTY WILL INCREASE WITH
12 ALL OF THESE PROJECTS GOING ON LINE.

13 MEMBER RELIS: WELL, YOU HAVE A TREMENDOUS
14 INVESTMENT IN YOUR -- THE AUTHORITY THERE. AND, IN
15 FACT, I JUST GOT A VERY NICE ANNUAL REPORT FROM THE
16 AUTHORITY. YOU'VE GOT SELF-HAUL SO THAT IF THE
17 MATERIAL IS SELF-HAUL, YOU CAN CONTROL IT VERY WELL
AND

18 IN TERMS OF THE QUALITY. SO YOU SHOULD -- I MEAN
IF

19 IT -- IF YOU HAVE FEASIBLE OUTLETS, YOU SHOULD BE
ABLE

20 TO MEET A QUALITY STANDARD THAT'S OUT THERE. SO
THAT'S

21 ENCOURAGING TO HEAR.

22 MS. NG: IT'S BEING WORKED ON.

23 MR. FARRIS: JUST TO ADD ONE MORE NOTE,
DURING
24 OUR BRIEF OPERATION WHEN WE WERE WOOD CHIPPING THE
25 GREEN WASTE, ABOUT 85 TO 90 PERCENT OF ALL GREEN
WASTE

1 THAT WAS COMING INTO THE SITE WAS CHIPPED FOR DAILY
2 COVER, SO THAT REDUCED OBVIOUSLY THE NEED FOR SOIL.

3 CHAIRMAN FRAZEE: OKAY. THANK YOU. WE HAVE
4 THE ITEM BEFORE US.

5 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
6 MOTION THAT WE ADOPT RESOLUTION 98-19.

7 MEMBER RELIS: SECOND.

8 CHAIRMAN FRAZEE: WE HAVE A MOTION AND SECOND
9 ON THE ADOPTION OF RESOLUTION 98-19. SECRETARY WILL
10 CALL THE ROLL ON THAT ONE, PLEASE.

11 THE SECRETARY: MEMBER RELIS.

12 MEMBER RELIS: AYE.

13 THE SECRETARY: MEMBER JONES.

14 MEMBER JONES: AYE.

15 THE SECRETARY: CHAIRMAN FRAZEE.

16 CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED.
17 AND WITHOUT OBJECTION, WE'LL PLACE THAT ON THE BOARD'S
18 CONSENT CALENDAR.

19 NOW, ITEM 5 IS THE CONSIDERATION OF A
20 REVISED SOLID WASTE FACILITY PERMIT FOR THE AUSTIN
21 ROAD

21 LANDFILL IN SAN JOAQUIN COUNTY.

22 MS. RICE: THANK YOU, MR. CHAIRMAN AND
23 MEMBERS. JEFF HACKETT WITH THE BOARD'S ENFORCEMENT
24 AGENCY SECTION WILL PRESENT THIS ITEM.

25 MR. HACKETT: MORNING. BOARD BECAME THE

1 ENFORCEMENT AGENCY FOR THE CITY OF STOCKTON BACK IN
2 OCTOBER OF '96. SINCE THAT TIME THE CITY OF STOCKTON
3 SUBMITTED AN APPLICATION TO REVISE THE SOLID WASTE
4 FACILITY PERMIT FOR THE AUSTIN ROAD LANDFILL TO ALLOW
5 THE FOLLOWING CHANGES IN DESIGN AND OPERATION: EXPAND
6 THE SITE ACREAGE FROM 180 ACRES TO 299 ACRES WITH A
7 218-ACRE DISPOSAL FOOTPRINT, INCREASE THE FINAL
8 ELEVATION FROM 90 FEET TO 150 FEET MEAN SEA LEVEL,
9 AUTHORIZE A NON-EXPERIMENTAL USE OF ALTERNATIVE DAILY
10 COVERS. THEY CURRENTLY USE GREEN WASTE AND TARPS. AND
11 UTILIZE A PORTABLE CHEMICAL STORAGE LOCKER FOR THE
12 TEMPORARY STORAGE OF HOUSEHOLD HAZARDOUS WASTE
13 RECOVERED IN THE LOADCHECKING PROGRAM.

14 THIS SITE IS LOCATED SEVEN MILES
15 SOUTHEAST OF THE CITY OF STOCKTON. SURROUNDING LAND
16 USE IS PREDOMINANTLY AGRICULTURAL ALONG WITH
17 INSTITUTIONAL AND SOLID WASTE DISPOSAL. THE LANDFILL
18 ACCEPTS NONHAZARDOUS RESIDENTIAL AND COMMERCIAL WASTE
19 AND IS CLOSED TO THE GENERAL PUBLIC.

20 SINCE THE EXISTING PERMITTED AREA IS
21 EXPECTED TO REACH CAPACITY WITHIN THE NEXT FIVE YEARS,
22 THE CITY PROPOSES TO EXPAND THE LANDFILL IN SIX
23 SEQUENTIAL PHASES. THE HORIZONTAL EXPANSION WILL
24 CONSIST OF PHASES I THROUGH 4 AND WILL OCCUR SOUTH OF
25 THE EXISTING LANDFILL. AS PART OF THE DEVELOPMENT OF

1 PHASE 1 THROUGH 4, LITTLE JOHN'S CREEK WILL BE
2 RELOCATED TO THE NORTH OF THE EXISTING LANDFILL. IN
3 ADDITION, THE EXISTING LANDFILL WILL BE CLOSED IN
4 ACCORDANCE WITH APPLICABLE REQUIREMENTS AFTER
5 OPERATIONS BEGIN IN PHASE I.

6 THE VERTICAL EXPANSION WILL CONSIST OF
7 PHASES 5 AND 6 AND WILL OCCUR ATOP PHASES 1 THROUGH 4
8 IN THE EXISTING LANDFILL. FILLING ON TOP OF THE
9 EXISTING LANDFILL IS NOT EXPECTED TO OCCUR FOR ANOTHER
10 20 TO 30 YEARS.

11 ALL FUTURE PHASES, INCLUDING THOSE
12 PORTIONS OF THE EXISTING LANDFILL THAT WILL BE PART OF
13 THE VERTICAL EXPANSION, WILL BE DESIGNED AND
14 CONSTRUCTED WITH A LINER AND LEACHATE COLLECTION
15 SYSTEM.

16 THE PROPOSED EXPANSION IS EXPECTED TO
17 PROVIDE ENOUGH DISPOSAL CAPACITY TO THE YEAR 2053. THE
18 OPERATOR HAS IMPLEMENTED A CORRECTIVE ACTION PLAN IN
19 ACCORDANCE WITH THE REGIONAL WATER BOARD REQUIREMENTS
20 TO ASSESS AND REMEDIATE GROUNDWATER CONTAMINATION.
21 THEY'RE NOT CURRENTLY UNDER ANY ENFORCEMENT ACTION BY
22 THE REGIONAL BOARD.

23 IN NOVEMBER 1997 THE CITY NOTIFIED BOARD
24 STAFF THAT LANDFILL GAS CONCENTRATIONS EXCEEDED THE
25 LOWER EXPLOSIVE LIMIT FOR METHANE IN TWO PROBES ALONG

1 THE NORTHERN PERMITTED BOUNDARY. THE CITY SUBSEQUENTLY
2 SUBMITTED A PLAN TO ASSESS THE EXTENT OF LANDFILL GAS.
3 THE CITY IS OPERATING UNDER A STIPULATED AGREEMENT OF
4 COMPLIANCE TO ASSESS THE LANDFILL GAS MIGRATION.

5 AS PART OF THE CITY'S ASSESSMENT, TWO NEW
6 MONITORING PROBES WERE INSTALLED AT THE PROPOSED
7 BOUNDARY IN DECEMBER AND JANUARY. I SAMPLED THE NEW
8 PROBES ON JANUARY 9TH AND NO LANDFILL GAS WAS DETECTED.
9 THEREFORE, CONCURRENCE AND SUBSEQUENT ISSUANCE OF THE
10 PROPOSED PERMIT WOULD CORRECT THIS VIOLATION.

11 THIS SITE IS EQUIPPED WITH A LANDFILL GAS
12 EXTRACTION SYSTEM WHICH CONVEYS LANDFILL GAS TO A
13 COGENERATION FACILITY. THE LANDFILL AND PROPOSED
14 EXPANSION ARE IDENTIFIED IN THE COUNTY INTEGRATED WASTE
15 MANAGEMENT PLAN AND CEQA HAS BEEN COMPLIED WITH.

16 STAFF RECOMMEND THE BOARD ADOPT PERMIT
17 DECISION NO. 98-14, CONCURRING IN THE ISSUANCE OF SOLID
18 WASTE FACILITY PERMIT NO. 39-AA-0001. MR. MIKE MILLER
19 OF THE CITY OF STOCKTON PUBLIC WORKS DEPARTMENT IS
20 PRESENT TO ANSWER ANY QUESTIONS YOU MAY HAVE. THAT
21 CONCLUDES MY PRESENTATION.

22 CHAIRMAN FRAZEE: QUESTIONS?

23 MEMBER JONES: I HAVE ONE, MR. CHAIRMAN.
24 JEFF, THE LANDFILL GAS EXTRACTION SYSTEM, IS THAT --
25 HOW LONG HAS THAT BEEN OPERATING OUT THERE? DO YOU

1 KNOW?

2 MR. HACKETT: I'M NOT SURE. THE CITY WOULD BE
3 ABLE TO ANSWER THAT BETTER THAN I CAN.

4 MEMBER RELIS: I UNDERSTOOD THAT THE, WHAT,
5 THE PREVIOUS TEST WAS 40 PERCENT, SO IT WAS QUITE HIGH
6 AT ABOUT 20 FEET AND VERY CLOSE TO THE TOE OF THE -- OR
7 THE WORKING FACE; IS THAT RIGHT?

8 MR. HACKETT: RIGHT.

9 MEMBER RELIS: OKAY. JUST TO ADD ON MY
10 QUESTION, SO YOU ARE REROUTING THE CREEK THAT -- AS
11 PART OF THE WATER ISSUE?

12 MR. HACKETT: IF YOU LOOK ON ATTACHMENT 2 OF
13 YOUR AGENDA PACKET, YOU WILL SEE THAT THE CREEK KIND OF
14 GOES THROUGH THE MIDDLE OF THE EXISTING LANDFILL AND
15 WHERE PHASES 1 THROUGH 4 WOULD BE, SO THEN THEY'LL JUST
16 REDIVERT IT TO THE NORTH.

17 MEMBER RELIS: SO IF -- BUT THE STRIPPED, WHAT
18 YOU'VE REFERRED TO AS THE -- YOU DO SOME STRIPPING OF
19 THE HYDROCARBONS -- THERE WERE HYDROCARBONS?

20 MR. HACKETT: THEY HAVE AN ON-SITE PUMP AND
21 TREAT SYSTEM FOR THE GROUNDWATER.

22 MEMBER RELIS: BUT THAT WOULD STILL AFTER IT'S
23 STRIPPED DISCHARGE TO THE CREEK?

24 MR. HACKETT: TO LITTLE JOHN'S CREEK.

25 MEMBER JONES: THE QUESTION ON THE LANDFILL

1 EXTRACTION SYSTEM, HOW LONG HAS THAT BEEN IN PLACE?

2 MR. MILLER: I BELIEVE IN PLACE SINCE THE
3 MID-1980S.

4 MEMBER JONES: IT'S PULLING PRETTY GOOD?

5 MR. MILLER: YES.

6 MEMBER JONES: ARE THERE PLANS TO EXPAND THAT
7 AS THE LANDFILL GETS EXPANDED?

8 MR. MILLER: THAT'S A VERY GOOD POSSIBILITY.
9 WE'LL EITHER DO THAT OR THE GAS WILL BE COLLECTED
10 THROUGH AN EXPANDED COLLECTION SYSTEM AND THEN FLARED.
11 HOPEFULLY THE ECONOMICS WILL BE SUCH THAT WE CAN
12 RECOVER THE GAS BECAUSE THAT CLEARLY IS THE PREFERRED
13 CHOICE OF THE CITY.

14 MIKE MILLER. I'M SOLID WASTE MANAGER
FOR
15 THE CITY.

16 CHAIRMAN FRAZEE: QUESTIONS? THANK YOU.

17 OKAY. WE READY FOR A --

18 MEMBER JONES: DO WE HAVE ANYBODY?

19 CHAIRMAN FRAZEE: DO WE HAVE -- OH, WE DO
HAVE

20 SOMEONE ON ITEM 5. OH, WELL, THIS IS THE LEA.

21 MS. RICE: WE ARE THE EA FOR THIS SITE.

22 CHAIRMAN FRAZEE: THIS IS SOMEONE
REPRESENTING

23 THE SAN JOAQUIN COUNTY ENVIRONMENTAL HEALTH DEPART-

24 MENT. GREG OLIVEIRA.

25 MR. OLIVEIRA: MORNING. MY NAME IS GREG

1 OLIVEIRA FROM SAN JOAQUIN COUNTY ENVIRONMENTAL HEALTH
2 DEPARTMENT. AND WE'RE NOT HERE TO OPPOSE THE REVISION
3 OF THIS PERMIT. HOWEVER, ON BEHALF OF THE SAN JOAQUIN
4 COUNTY AND THE RESIDENTS OF THE UNINCORPORATED AREAS,
5 MANY OF WHOM ARE ON PRIVATE WATER WELLS, WE HAVE
6 COMMENTS REGARDING THE EXPANSION OF A LANDFILL WHERE
7 GROUNDWATER CONTAMINATION HAS ALREADY MIGRATED OFF THE
8 SITE.

9 IN SEPTEMBER OF 1997, THE CITY OF
10 STOCKTON PROVIDED US WITH REPORTS THAT TWO OFF-SITE
11 PRIVATE WELLS WERE CONTAMINATED WITH ORGANIC CHEMICALS.

12 WE UNDERSTAND THAT THE CITY, ACCORDING TO THE STAFF
13 REPORT, IS WORKING WITH THE WATER BOARD TO ADDRESS THE
14 GROUNDWATER CONTAMINATION ISSUES, BUT WE HAVE COMMENTS.
15 AND OUR ONLY COMMENTS ARE THAT WE REQUEST THAT THE
16 GROUNDWATER CORRECTIVE ACTION PLAN ADDRESS THE OFF-SITE
17 PRIVATE WELLS; AND THAT SHOULD THE LANDFILL BE SOLD, A
18 RESPONSIBLE PARTY WILL BE REQUIRED TO CONTINUE THE
19 GROUNDWATER REMEDIATION. I THANK YOU FOR THE
20 OPPORTUNITY TO COMMENT.

21 CHAIRMAN FRAZEE: DO YOU UNDERSTAND THAT'S AN
22 ISSUE FOR THE WATER QUALITY CONTROL BOARD?

23 MR. OLIVEIRA: YES, I UNDERSTAND. MY DIRECTOR
24 DIRECTED ME TO GET THESE STATEMENTS ON THE RECORD.

25 CHAIRMAN FRAZEE: OKAY. FINE. THANK YOU.

1 MEMBER RELIS: YEAH, I WOULD JUST SAY, YOU
2 KNOW, WE'VE BEEN THROUGH GREAT PROCESS ON THIS WATER
3 AND SOLID WASTE. AND WE RELY COMPLETELY ON THE WATER
4 BOARD TO ADDRESS ISSUES LIKE THAT, AND I HOPE THEY
5 ARE. I'LL JUST LEAVE IT AT THAT.

6 CHAIRMAN FRAZEE: OKAY.

7 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
8 MOTION THAT WE ADOPT RESOLUTION 98-14.

9 MEMBER RELIS: SECOND.

10 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION AND
11 SECOND ON THE ADOPTION OF RESOLUTION 98-14. IF THE
12 SECRETARY WILL CALL THE ROLL ON THAT ONE.

13 THE SECRETARY: MEMBER RELIS.

14 MEMBER RELIS: AYE.

15 THE SECRETARY: MEMBER JONES.

16 MEMBER JONES: AYE.

17 THE SECRETARY: CHAIRMAN FRAZEE.

18 CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED. IF
19 THERE'S NO OBJECTION, WE'LL RECOMMEND THAT ONE FOR THE
20 CONSENT CALENDAR.

21 NOW, ITEM 6 IS THE CONSIDERATION OF NEW
22 SITES FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE
23 CLEANUP PROGRAM AND WASTE TIRE STABILIZATION AND
24 ABATEMENT PROGRAM.

25 MS. RICE: THANK YOU, MR. CHAIRMAN. MARGE

1 ROUCH AND GALE REHBERG WILL MAKE A STAFF PRESENTATION.

2 MS. ROUCH: GOOD MORNING, CHAIRMAN FRAZEE AND
3 COMMITTEE MEMBERS. TODAY THE WASTE TIRE STABILIZATION
4 AND ABATEMENT PROGRAM AND THE 2136 CLEANUP PROGRAM ARE
5 ASKING YOU TO CONSIDER CLEANUP OF EIGHT PROPERTIES IN
6 SACRAMENTO COUNTY. THIS IS THE FIRST PROJECT IN
7 SACRAMENTO COUNTY FOR THE 2136 PROGRAM AND THE TIRE
8 CLEANUP PROGRAM.

9 THIS WILL BE A COMBINED EFFORT BETWEEN
10 THE COUNTY OF SACRAMENTO, THE 2136 PROGRAM, AND THE
11 WASTE TIRE CLEANUP PROGRAM AT THE INTEGRATED WASTE
12 MANAGEMENT BOARD. STAFF RECOMMENDS CLEANUP OF THE
13 SOLID WASTE UNDER THE SOLID WASTE DISPOSAL AND
14 CODISPOSAL SITE CLEANUP PROGRAM; HOWEVER, THIS
15 RECOMMENDATION IS CONTINGENT ON THE COUNTY OF
16 SACRAMENTO PROVIDING SITE ACCESS TO ALL THE
PROPERTIES

17 AND REMOVING HAZARDOUS MATERIALS FROM THE SITE.

18 AND AT THIS TIME I'D LIKE TO HAVE GALE
19 SPEAK TO THE TIRE PORTION.

20 MS. REHBERG: OKAY. AS FAR AS THE TIRES
ARE

21 CONCERNED, THERE ARE APPROXIMATELY AN ESTIMATED
HUNDRED

22 THOUSAND WASTE TIRES STOCKPILED ACROSS THE EIGHT
23 PROPERTIES. ONE PROPERTY OWNER RIGHT NOW HAS

INDICATED

24 A WILLINGNESS TO REMEDIATE HIS OWN PROPERTY. THERE
ARE

25 ABOUT 6500 TIRES ON HIS PROPERTY. BUT THE WASTE
TIRE

1 STABILIZATION AND ABATEMENT PROGRAM IS LOOKING AT
2 REMEDIATING THE REMAINDER OF THOSE TIRES.

3 THE AGENDA ITEM CITES FUNDING FOR THIS
4 PROJECT TO COME FROM THE 1997-98 FISCAL YEAR. THAT
5 MIGHT BE AN ERROR. IF APPROVED BY THE BOARD, THE
6 REMEDIATION WOULD MOVE FORWARD ONCE PROPERTY ACCESS HAS
7 BEEN RECEIVED. POTENTIALLY IT COULD A HAPPEN WITH
8 '96-'97 FUNDS.

9 WE ANTICIPATE THE REMEDIATION TO OCCUR IN
10 LATE APRIL OR MAY. AND STAFF RECOMMENDS THAT THE BOARD
11 APPROVE THIS PROJECT KNOWN AS THE 6TH STREET STRAUGH
12 ROAD IN RIO LINDA FOR REMEDIATION UNDER THE WASTE TIRE
13 STABILIZATION AND ABATEMENT PROGRAM. DO YOU HAVE ANY
14 QUESTIONS ABOUT THE TIRES?

15 CHAIRMAN FRAZEE: DID YOU HAVE SOMETHING TO
16 ADD?

17 MS. ROUGH: I WANTED TO SAY THAT THE LEA IS IN
18 THE AUDIENCE, MR. JIM CERMAK, AND I WOULD LIKE TO
19 INTRODUCE MR. JOHN O'FARRELL IF AND WHEN YOU DON'T HAVE
20 ANY QUESTIONS. HE IS THE COUNTY ADMINISTRATOR, AND HE
21 WOULD LIKE TO SPEAK.

22 CHAIRMAN FRAZEE: GOOD. I WAS HOPING WE WOULD
23 HEAR FROM THE COUNTY.

24 MR. O'FARRELL: CHAIR, MEMBERS, JOHN
25 O'FARRELL, ADMINISTRATOR FOR COMMUNITY DEVELOPMENT

1 NEIGHBORHOOD ASSISTANCE, SACRAMENTO COUNTY.

2 FIRST OF ALL, I'M PLEASED TO BE HERE.

3 AND I WANT TO THANK THE BOARD FOR CONSIDERING OUR
4 REQUEST FOR CLEANUP UNDER THE PROGRAM.

5 AS WE HAVE INDICATED TO YOUR STAFF, WE'VE
6 HAD SEVERAL MEETINGS NOW, WE'RE PREPARED TO WORK IN
7 PARTNERSHIP WITH THE BOARD WITH RESPECT TO THE CLEANUP
8 ITSELF, ASSUMING RESPONSIBILITY FOR THE HAZARDOUS
9 MATERIALS PORTION, PROVIDING ACCESS, SECURING THE
10 PROPERTY AFTER THE FACT SO THAT THIS DOESN'T HAPPEN IN
11 THE FUTURE. WHATEVER WE CAN DO TO MAKE SURE THAT THIS
12 MOVES FORWARD AT A VERY QUICK AND EXPEDITIOUS FASHION.

13 CHAIRMAN FRAZEE: THE ONE QUESTION I HAVE,
14 STAFF -- WELL, LET ME PREFACE THAT BY SAYING THAT WE
15 VISITED THE SITE LAST FRIDAY, AND IT'S ABOUT AS BAD AS
16 IT GETS IN THE WAY OF A SCATTERING OVER MULTIPLE
17 PARCELS OF JUST RANDOM DUMPED WASTE AND TIRES. BECAUSE
18 THESE ARE IDENTIFIED PARCELS OF SOME VALUE, I WANT,
19 FROM ONE MEMBER OF THIS BOARD, TO BE SURE THAT WE'RE
20 PURSUING COST RECOVERY ON THESE. AND IN THE FACT THAT
21 IT'S A JOINT PROJECT BETWEEN THE COUNTY AND THIS BOARD,
22 WONDERING WHO WILL BE RESPONSIBLE.

23 WHAT'S THE MECHANISM FOR THE FLOW OF CASH
24 ON THIS? AND WHO WILL BE RESPONSIBLE FOR LIENING THE
25 PROPERTY? WILL THAT BE OURS OR WILL IT BE THE

1 COUNTY'S?

2 MR. O'FARRELL: IT'S MY UNDERSTANDING -- IF I
3 CAN SPEAK TO THE ISSUE, SIR, THAT WE ARE CERTAINLY
4 PURSUING THAT THROUGH SACRAMENTO COUNTY. WE ARE ALMOST
5 ENTIRELY THROUGH THE HEARING PROCESS AT THIS POINT.
6 WE'RE WORKING WITH OUR COUNTY COUNSEL'S OFFICE TO LIEN
7 THE PROPERTY, OUR CODE ENFORCEMENT STAFF.

8 NOW, WITH RESPECT TO HOW WE PARTNER WITH
9 THE STATE ON THIS, I'M NOT EXACTLY SURE. BUT CLEARLY
10 WE'D WANT TO WORK WITH YOU ON THIS TO THE DEGREE THAT
11 WE CAN.

12 CHAIRMAN FRAZEE: AND THIS, AS STAFF KNOWS,
13 HAS BEEN ONE OF MY PET ISSUES SINCE I'VE BEEN ON THIS
14 BOARD. AND CURRENTLY, AND I GUESS WE HAVE SOME PENDING
15 LEGISLATION TO REMEDIATE THIS PROBLEM, BUT IN MY BELIEF
16 IT'S EASIER FOR THE LOCAL GOVERNMENT TO LIEN A PROPERTY
17 THAN IT IS FOR THIS BOARD. SO I JUST WANTED TO BE SURE
18 THAT THE MECHANISM WAS IN PLACE, THAT MONEY THAT WE'RE
19 PUTTING INTO THIS MAY HAVE SOME CHANCE OF SOME RECOVERY
20 FROM THE PROPERTY. SO I HOPE THOSE DETAILS ARE ALL
21 WORKED OUT.

22 MS. ROUCH: WE HAVE TALKED TO THE LOCAL STAFF
23 AT THE COUNTY, AND I BELIEVE THEY HAVE TALKED TO MS.
24 TOBIAS. AND IT'S BEING CONSIDERED, AND WE'RE GOING TO
25 DO EVERYTHING WE CAN.

1 I ALSO UNDERSTAND THAT THERE'S A COUPLE
2 OF PROPERTY OWNERS WHO MIGHT BE WILLING TO TURN THEIR
3 PROPERTIES OVER TO THE COUNTY. SO IT'S NOT LIKE IT
4 WILL BE A BIG COURT BATTLE. SO THAT'S ALSO A
5 POSSIBILITY.

6 SO WE ARE DEALING WITH THE COST RECOVERY
7 ISSUES AND MOVING FORWARD. SOME OF THOSE THINGS TAKE
8 TIME, THOUGH.

9 MEMBER RELIS: MR. CHAIR, GIVEN THAT THIS IS
10 SOMETHING OF A PARTNERSHIP, PARTNERSHIPS, YOU KNOW, THE
11 BEST THING WITH PARTNERSHIPS IS TO CLARIFY THE GROUND
12 RULES THAT THEY OPERATE UNDER BECAUSE THEY DON'T ALWAYS
13 WORK OUT. SO OUR AGREEMENT, BEFORE IT'S SIGNED, AND
14 WOULD IT INDICATE THAT -- SUPPOSE THERE WAS COST
15 RECOVERY, WOULD THERE BE SOME SORT OF FORMULA
16 ESTABLISHED, YOU KNOW, IF THEN, THAT TYPE OF THING, SO
17 THAT YOU ARE NOT NEGOTIATING THAT AFTER THE FACT?

18 MS. TOBIAS: I THINK WHAT WE COULD DO ON THIS
19 ONE IS THE SAME THING WE DID WITH THE SAN FRANCISCO
20 CLEANUP, WHICH IS WE'LL TRY TO CLARIFY THIS WITH THE
21 COUNTY BEFORE THE BOARD MEETING SO THAT WE CAN
22 BASICALLY COME BACK TO YOU AND TELL YOU HOW WE THINK IT
23 WILL WORK OUT. WE DIDN'T HAVE A PROBLEM WORKING THAT
24 OUT WITH THE CITY OF SAN FRANCISCO. I DON'T THINK
25 WE'LL HAVE ANY PROBLEM WORKING WITH SACRAMENTO COUNTY

1 FOLKS.

2 MEMBER JONES: MR. CHAIRMAN, ONE OF THE THINGS
3 YOU HAD TALKED ABOUT WAS THE SECURITY ISSUES.

4 MR. O'FARRELL: YES, SIR.

5 MEMBER JONES: ARE THE -- WHAT ARE YOUR PLANS
6 AS FAR AS SECURITY BECAUSE WE GO IN AND PAY TO CLEAN
7 UP, AND IF IT STAYS STATUS QUO, THEN WE'LL SEE IT AGAIN
8 IN FIVE YEARS.

9 MR. O'FARRELL: SOME OF THE THINGS THAT WE'VE
10 TALKED ABOUT INTERNALLY ARE CONTINUED INSPECTIONS OF
11 THE SITE FROM BOTH OUR CODE ENFORCEMENT AND OUR EMD
12 STAFF, MAKING SOME PHYSICAL CHANGES TO THE SITE ITSELF
13 IN TERMS OF POSSIBLY TRENCHING AND SOME BERMS. WE'RE
14 EXPLORING THOSE CERTAINLY WITHIN THE LIMITATIONS OF
15 CEQA. AND THIS IS A FLOOD PLAIN, BUT WE ARE LOOKING AT
16 WHATEVER WE CAN, FENCING, TO -- CERTAINLY IF THE
17 PROPERTIES SUCCUMBS TO COUNTY OWNERSHIP, WE WOULD HAVE
18 A LOT MORE LATITUDE THAN IF IT REMAINS IN PRIVATE
19 OWNERSHIP, BUT WE'RE EXPLORING EVERYTHING THAT WE CAN
20 AT THIS POINT.

21 MEMBER JONES: THE MAJORITY OF THIS WASTE, IS
22 IT GENERATED AS ILLEGAL DUMPING, OR HAVE THESE BEEN
23 UNPERMITTED DUMP FACILITIES TO THE BEST OF YOUR
24 KNOWLEDGE?

25 MR. MADDOX: MORNING, MR. CHAIR, MEMBERS OF

1 THE COMMISSION. RICHARD MADDOX, COUNTY CODE
2 ENFORCEMENT. WE'VE HAD A SERIES OF PROBLEMS. THESE
3 WERE HISTORICALLY AUTO WRECKING YARDS OUT THERE. THE
4 COUNTY HAS TAKEN A POLICY FOR THE LAST TEN YEARS TO
5 REMOVE THAT TYPE OF USE WITHIN FLOOD PLAIN. AS THOSE
6 USES CEASE TO EXIST, ILLEGAL DUMPING STARTED OCCURRING
7 APPROXIMATELY THREE YEARS AGO. SO YOU HAVE A
8 COMBINATION OF LEFTOVER JUNK AND RUBBISH FROM THE AUTO
9 WRECKING YARDS, INCLUDING SOME TIRES, AS WELL AS PEOPLE
10 NOW BRINGING MATERIALS AND JUST GARBAGE IN AND DUMPING
11 IT FREE AT WILL.

12 MEMBER JONES: BECAUSE I'M WONDERING IF PART
13 OF THE COST RECOVERY THAT WE NEED TO SEE COULDN'T BE
14 USED BY THOSE PROPERTY OWNERS TO GENERATE THE SECURITY
15 THAT WE'D END UP PAYING FOR ANYWAY I MEAN AS AN IDEA
16 OF, YOU KNOW, ELIMINATING SOME OF THOSE THINGS. I
17 DON'T KNOW IF THAT'S WITHIN OUR PURVIEW OR IF ANY OF
18 THE OTHER BOARD MEMBERS --

19 MEMBER RELIS: YOU MEAN BY PRIVATE OWNERS
20 FENCING OR SOMETHING?

21 MEMBER JONES: WELL, YEAH, I MEAN IF THEY'RE
22 GOING TO FIGHT ON THE LIEN OR SOMETHING LIKE THAT,
23 MAYBE, YOU KNOW, WE GOT TO FIGURE OUT A WAY, I THINK,
24 TO SECURE THAT PROPERTY. I THINK, YOU KNOW, IF WE CAN
25 BE FLEXIBLE ABOUT HOW WE DO THAT, I THINK IT ELIMINATES

1 SOME PROBLEM DOWN THE ROAD.

2 DOESN'T MATTER TO ME. IF WE ARE GOING --
3 IF WE ARE GOING TO GO AFTER COST RECOVERY AND PART OF
4 THAT COST RECOVERY IS THE EXPENSE OF SECURITY, I DON'T
5 HAVE A PROBLEM WITH THAT PERSONALLY AS LONG AS WE DON'T
6 SEE THIS THING IN FRONT OF US AGAIN IN FIVE YEARS.
7 JUST AN IDEA.

8 CHAIRMAN FRAZEE: THAT'S THE TYPICAL SITUATION
9 WHERE ONE PILE OF TRASH SEEMS TO ATTRACT ANOTHER. AND
10 ONCE YOU GET IT ALL CLEANED UP, IT'S A LITTLE LIKE
11 GRAFFITI. THEN THERE'S LESS INCENTIVE FOR PEOPLE TO
12 LITTER IT AGAIN. SO HOPEFULLY THAT WILL WORK ON THIS
13 ONE.

14 ANY QUESTIONS?

15 MR. O'FARRELL: NOTHING ELSE TO ADD OTHER THAN
16 JUST TO THANK YOU AND YOUR STAFF, WHO'VE BEEN MOST
17 COOPERATIVE IN WORKING WITH US UP TO THIS POINT.

18 MEMBER RELIS: MR. CHAIR, I'LL MOVE
19 CONCURRENCE WITH RESOLUTION 98-17.

20 CHAIRMAN FRAZEE: AND THEN WE NEED TO TAKE
21 SEPARATE VOTE ON THESE, I GUESS.

22 MEMBER JONES: I'LL SECOND IT.

23 CHAIRMAN FRAZEE: YOURS WAS ON 17?

24 MEMBER RELIS: YEAH. AND THEN THERE'S --
25 98-16 WOULD BE -- LET'S SEE. WHAT'S THE DIFFERENCE

1 AGAIN?

2 CHAIRMAN FRAZEE: ONE IS THE 2136; THE OTHER
3 IS THE TIRE PROGRAM. SO LET'S TAKE 19-17 FIRST. WE
4 HAVE A MOTION AND SECOND ON THE ADOPTION OF THAT. IF
5 THERE'S NO OBJECTION, WE'LL SUBSTITUTE PRIOR ROLL CALL
6 ON THAT. AND THEN A MOTION --

7 MEMBER RELIS: 19-16.

8 MEMBER JONES: SECOND.

9 CHAIRMAN FRAZEE: MOTION AND A SECOND ON THAT.
10 AND AGAIN, WITHOUT OBJECTION, WE'LL SUBSTITUTE ROLL
11 CALL ON THAT. DO WE WANT THE FULL BOARD TO HEAR THIS
12 ONE OR --

13 MS. TOBIAS: ONLY IF YOU WANT US TO COME BACK
14 WITH SOME INFORMATION ON HOW WE'RE GOING TO DO THIS,
15 BUT WHAT YOU MIGHT WANT TO DO IS GO AHEAD AND PUT IT ON
16 CONSENT IF YOU FEEL LIKE THAT. WE CAN ALWAYS PULL IT
17 OFF IF WE FIND OUT SOMETHING THAT'S A PROBLEM OR
18 WHATEVER.

19 MEMBER RELIS: WE HAVE A PRETTY BIG AGENDA.

20 CHAIRMAN FRAZEE: LET'S RECOMMEND THIS FOR
21 CONSENT TO THE FULL BOARD. OKAY. NOW --

22 MEMBER JONES: MR. CHAIRMAN, MAYBE AS A
23 WAY -- IF MAYBE SOME OF THE PARTICULARS, IF WE WANT TO
24 HEAR ABOUT THEM, MAYBE PART OF THE DIRECTOR'S REPORT,
25 HE COULD JUST INCLUDE THAT THOSE THINGS WERE DONE.

1 THAT WAY WE CAN LEAVE IT ON CONSENT IF THAT WILL WORK.

2 MR. CHANDLER: THAT'S FINE. WE'LL DO THAT.

3 CHAIRMAN FRAZEE: OKAY. NOW WE'RE READY TO
4 MOVE AHEAD WITH ITEM 7. THIS IS THE CONSIDERATION OF
5 DRAFT EMERGENCY REGULATIONS TO REMOVE PERMIT EXCLUSIONS
6 FOR WASTE TIRE STORAGE FACILITIES. HAVE THE STAFF
7 REPORT ON THIS ONE, PLEASE.

8 MS. RICE: THANK YOU, MR. CHAIRMAN AND
9 MEMBERS. BERNIE VLACH WILL MAKE THE STAFF
10 PRESENTATION.

11 MR. VLACH: GOOD MORNING, MR. CHAIRMAN AND
12 MEMBERS. MY NAME IS BERNIE VLACH, AND I'M THE
13 SUPERVISOR OF THE FACILITIES AND OPERATIONS BRANCH.

14 THE PROPOSAL THAT WE HAVE BEFORE THE
15 COMMITTEE THIS MORNING IS AN EMERGENCY RULEMAKING TO
16 REMOVE SOME REGULATORY EXCLUSIONS FOR TIRE STORAGE
17 FACILITIES. I WANT TO CLARIFY AND PERHAPS MAKE AN
18 APOLOGY IF THE STAFF HAS CAUSED ANY ANXIETY OR CONCERN
19 BY EITHER THE COMMITTEE OR ANY OF THE INDUSTRY, THAT
20 THERE IS A ANOTHER MORE FORMAL RULEMAKING PROCESS WHICH
21 IS PROCEEDING AND HAS BEGUN WHEREIN FORMAL WORKSHOPS
22 HAVE BEGUN LAST YEAR. THAT PROCESS WAS EXPECTED TO
23 TAKE ABOUT A YEAR, AND THAT PROCESS IS CONTINUING, AND
24 WE HAVE RECEIVED COMMENTS FROM INDUSTRY. AND WE ARE

25 CONSIDERING THOSE COMMENTS AS PART OF THAT PROCESS, AND
39

1 THIS IS NOT INTENDED TO SHORTCUT OR CIRCUMVENT THAT
2 PROCESS IN ANY WAY.

3 THIS IS A PARALLEL PROCESS. IT'S A SHORT
4 AND MORE ACCELERATED PROCESS TO DEAL WITH A VERY
5 SPECIFIC ISSUE WHERE THE STAFF HAS EXPRESSED SOME AND
6 FELT SOME FRUSTRATION AND INABILITY TO REGULATE IN
7 CERTAIN AREAS WHERE THERE CLEARLY ARE ENVIRONMENTAL AND
8 PUBLIC HEALTH PROBLEMS. THIS WAS BROUGHT TO THE
9 ATTENTION OF THE STAFF BECAUSE OF COMPLAINTS FROM LOCAL
10 GOVERNMENT AND FROM PROPERTY OWNERS WHERE BUSINESSES
11 HAVE APPLIED TO THE BOARD AND RECEIVED CERTAIN
12 EXCLUSIONS WHICH THEN ALLOW THEM TO OPERATE WITHOUT
13 PERMITS AND ALSO TO OPERATE WITHOUT REQUIREMENTS TO
14 COMPLY WITH THE STATE'S TIRE STORAGE STANDARDS. SO
15 THEY'RE COMPLETELY BEYOND THE REACH OF OUR ENFORCEMENT.

16 IN CERTAIN CASES THESE EXCLUSIONS ARE
17 VERY DIFFICULT TO ENFORCE BECAUSE THEY REQUIRE
18 ACCOUNTING AND TURNING OVER OF TIRES AT A CERTAIN RATE.
19 AND WITHOUT THE STAFF BEING OUT THERE 24 HOURS A DAY
20 WITH SURVEILLANCE GOING ON CONTINUOUSLY, IT WOULD BE
21 IMPOSSIBLE FOR THE STAFF TO REVOKE THESE EXCLUSIONS.
22 WHERE WE CAN, WE HAVE DONE THAT.

23 THERE ARE FOUR CASES IN RECENT TIMES
24 WHERE STAFF HAS BEEN ABLE TO DETERMINE THAT THE TERMS
25 OF THE EXCLUSIONS WERE NOT BEING MET, AND THE STAFF HAS

1 MOVED FORWARD AND WITH NOTICES AND ORDER, AND WE'VE
2 BEEN FAIRLY SUCCESSFUL. BUT THERE ARE OTHER CASES, AND
3 I THINK YOU ARE AWARE OF SOME OF THESE, WHERE WE HAVE
4 NOT BEEN ABLE TO DO THAT.

5 AND INTERESTING AS A RESULT OF THE
6 INFORMAL RULE- -- OR THE WORKSHOPS THAT HAVE OCCURRED
7 LAST YEAR, THERE'S BEEN MORE OF AN INTEREST IN THESE
8 EXCLUSIONS. WE'VE KIND OF MADE THEM MORE PUBLIC.
9 WE'VE EDUCATED THE INDUSTRY ABOUT THE EXISTENCE OF
10 THEM, AND SO WE ARE BEGINNING TO RECEIVE MORE
11 APPLICATIONS FOR THESE TYPES OF EXCLUSIONS WHICH WE
12 CANNOT ENFORCE. AND IT'S FOR THAT REASON THAT THIS
13 ITEM IS BEING BROUGHT BEFORE THE COMMITTEE TO CONSIDER
14 THE REMOVAL OF THESE -- THREE OF THE FOUR REGULATORY
15 EXCLUSIONS.

16 NOW, THE STAFF IS MINDFUL OF THE
17 IMPORTANCE OF MAINTAINING AN INDUSTRIAL INFRASTRUCTURE
18 FOR THE RECYCLING AND REUSE OF WASTE TIRES IN THE
19 STATE, AND THIS IS NOT INTENDED TO JUST CUT THAT OFF.
20 WHAT WE'RE TRYING TO DO IS STOP THE BLEEDING, TO GET
21 SOME BREATHING ROOM, AND TO ALLOW US THROUGH THE FORMAL
22 RULEMAKING PROCESS TO RECONSIDER WHAT ARE THE PROPER
23 WAYS TO EXCLUDE THESE TYPES OF LEGITIMATE OPERATIONS
24 AND MAKE SURE THERE'S NO DAMAGE TO THE RECYCLING

1 SO JUST AS ONE LAST NOTE, THIS PROPOSAL
2 WOULD AFFECT APPROXIMATELY 70 FACILITIES IN THE STATE.
3 MOST OF THOSE, I THINK 62 OUT OF THE 70, WOULD NEED TO
4 COME BACK TO THE BOARD IF THEIR EXCLUSIONS WERE REVOKED
5 AND GET A MINOR WASTE TIRE FACILITY PERMIT. YOU ARE
6 FAMILIAR WITH THAT PROCESS. IT'S -- FOR A PERSON
7 THAT'S ALREADY IN BUSINESS, IT'S A FAIRLY -- I'M NOT
8 GOING TO SAY EASY PROCESS, BUT THERE ARE NO FINANCIAL
9 ASSURANCES REQUIREMENTS ALLOWED OR REQUIRED. THERE'S
10 NO INSURANCE -- ENVIRONMENTAL INSURANCE REQUIRED, AND
11 CEQA PROBABLY WOULD NOT BE AN ISSUE FOR AN EXISTING
12 FACILITY. SO WE THINK 62 OUT OF THE 70 WOULD HAVE A
13 FAIRLY EASY GO OF IT. THE OTHER EIGHT WOULD NEED TO
14 COME BACK AND OBTAIN A MAJOR TIRE FACILITY PERMIT,
15 INCLUDING FINANCIAL ASSURANCE REQUIREMENTS.

16 I'M HERE TO ANSWER ANY QUESTIONS, OR CODY
17 BEGLEY IS ALSO AVAILABLE TO ANSWER ANY QUESTIONS YOU
18 MIGHT HAVE.

19 CHAIRMAN FRAZEE: THE DIFFERENCE BETWEEN A
20 MAJOR AND MINOR IS THE DIFFERENCE OF THE 5,000 IS
21 THE
22 SPLIT ON THAT, 5,000 TIRES?

23 MR. VLACH: YES, SIR. IF A FACILITY IS
24 STORING MORE THAN 5,000 TIRES WITHOUT AN EXCLUSION,

24 THEN THEY NEED TO HAVE A FINANCIAL ASSURANCE TO MAKE
25 SURE THAT ANY REMAINING TIRES, AFTER THEIR BUSINESS

1 CONCLUDES, CAN BE REMEDIATED.

2 CHAIRMAN FRAZEE: UNDER CURRENT REGULATIONS
3 THE CIRCUMSTANCE WHERE YOU CAN STORE MORE THAN 5,000
4 TIRES AND STILL BE EXCLUDED IS WHAT?

5 MR. VLACH: THERE'S A RECYCLING EXCLUSION. I
6 BELIEVE IF YOU LOOK AT --

7 CHAIRMAN FRAZEE: THERE'S AN INDOOR STORAGE.

8 MR. VLACH: YES, INDOOR STORAGE. I DON'T
9 BELIEVE THERE'S A LIMIT ON THAT. REMOVABLE CONTAINERS,
10 THERE'S NO LIMIT. AND THE NEXT ONE, RECYCLING, THE
11 RECAPPING AND RESALE OF TIRES, THERE'S NO LIMIT ON THE
12 STORAGE OF THOSE EITHER.

13 STAFF IS NOT PROPOSING THAT THE REMOVABLE
14 CONTAINER EXCLUSION BE REMOVED AT THIS TIME.

15 CHAIRMAN FRAZEE: OKAY. THAT ONE WILL STAY.
16 BUT THIS WOULD -- THE PROPOSAL IS TO REMOVE THE
17 EXCLUSION FOR INDOOR STORAGE AND FOR RECYCLING?

18 MS. RICE: AND THE GENERAL EXCLUSION AS WELL.
19 IT IS THE GENERAL AND THE RECYCLING BUSINESS WHICH I
20 BELIEVE ARE THE MOST DIFFICULT FOR STAFF TO ASCERTAIN
21 WHETHER THE TERMS OF THE EXCLUSION ARE BEING MET
22 BECAUSE IT SPEAKS TO TURNOVER RATE OF TIRES, WHICH, AS
23 BERNIE INDICATED, WITHOUT 24-HOUR SURVEILLANCE, IT'S
24 PRETTY HARD TO KNOW WHAT TIRE WAS SITTING THERE WHEN
25 AND WHEN IT WAS TURNED OVER. VERY DIFFICULT TO

1 ASCERTAIN THE HUNDRED-FIFTY-DAY TURNOVER REQUIREMENT.

2 CHAIRMAN FRAZEE: QUESTIONS? WE DO HAVE A
3 NUMBER OF SPEAKERS.

4 MEMBER JONES: DO WE HAVE SPEAKERS? I'LL HEAR
5 THE SPEAKERS FIRST.

6 CHAIRMAN FRAZEE: LET'S START AND HEAR FROM
7 THOSE IN THE AUDIENCE. START WITH VIRGINIA CALLAHAN.

8 MS. CALLAHAN: MY NAME IS VIRGINIA CALLAHAN,
9 AND I LIVE IN OROVILLE, CUSTER LANE WHERE THERE'S A
10 TIRE RECYCLING.

11 WE WOULD -- WE ASK THAT THE EXCLUSION BE
12 REVOKED. WE'RE LIVING PROOF OF WHAT'S HAPPENING. WE
13 HAVE RATS, WE HAVE RATTLESNAKES COME OUT OF THOSE
14 TIRES. WE'VE GOT GROUND SQUIRRELS JUST GOING CRAZY,
15 PLUS SOME SKUNKS.

16 THE OUTFIT WILL RUN SOMETIMES LATE AT
17 NIGHT TO EARLY IN THE MORNING. THEY PARK IN THE
STREET

18 BECAUSE THE LOT IS TOO MUDDY TO PUT THEIR TRUCKS ON.
19 THEY DO NOT MOVE THEIR TIRES IN THEIR OWN TRUCKS.
THEY

20 RENT U-HAUL TRUCKS.

21 AND I DON'T KNOW WHAT TO SAY EXCEPT
THAT

22 WE'RE STUCK WITH THIS. YOU GIVE HIM THAT EXCLUSION,
23 AND WE'RE REALLY IN BAD SHAPE OUT THERE. IF THERE'S

A

24 FIRE, THERE IS NO WAY FOR US TO GET OUT. THAT TIRE
LOT

25 BUMPS RIGHT UP AGAINST OUR PROPERTY. THERE'S ONE WAY

1 ON THAT STREET AND ONE WAY OFF. THIS IS 20 HOMES OF
2 RETIREMENT PEOPLE THAT HAVE BEEN THERE OVER 20 YEARS,
3 AND THEY HAVE TO LOOK AT THIS AND SMELL THIS.

4 WHEN IT'S A WARM DAY, I CANNOT HAVE MY
5 WINDOWS OPEN BECAUSE THE TIRES ARE SO ROTTEN. THEY
6 SMELL SO BADLY. HE DRAINS ALL HIS WATER FROM THE
7 TIRES. HE'S DUG A DITCH AND RUNS IT RIGHT ONTO MY
8 PROPERTY. AND THERE HAS BEEN NO CODE ENFORCEMENT THAT
9 WE CAN SEE WHATSOEVER. HE'S VIOLATING. HE'S --
10 ACCORDING TO OUR COUNTY, HE'S ON THE PROPERTY
ILLEGALLY

11 BECAUSE HE WAS ASKED AFTER SO MANY TIRES HE HAD TO
HAVE

12 A USE PERMIT AND HE DID NOT DO THAT. AND THIS IS
13 WHAT'S GOING ON AT A LOT OF THEM.

14 WE'VE TALKED TO A LOT OF PEOPLE AND BEEN
15 CONTACTED BY A LOT OF PEOPLE. WHEN THOSE TIRES CATCH
16 ON FIRE, THEY SAY SOMETHING LIKE THERE'S 25 QUARTS OF
17 OIL IN ONE TIRE. AND ALL THAT DOES IS MELT DOWN AND
18 BURN AND BURN AND BURN. AND LET ME TELL YOU, THAT'S A
19 TINDER DRY AREA OUT THERE. IF IT CATCHES, WE'RE GONE.
20 THERE'S NO WAY FOR US GET ANYWHERE.

21 THAT'S ABOUT ALL THAT I HAVE TO SAY.

BUT

22 THE CODES THAT ARE IN FORCE, NOW THEY'RE NOT BEING
23 ENFORCED. THEY'RE SO VAGUE. YOU KNOW, WHEN A MAN CAN

24 BREAK ALL THE CODES AND STILL GO ON, I DON'T
UNDERSTAND

25 THIS AT ALL. THANK YOU FOR LISTENING TO ME.

1 MEMBER RELIS: JUST ARE WE AWARE OF THIS
2 PARTICULAR SITE FROM STAFF?

3 MS. RICE: VERY MUCH SO. THIS IS ONE OF THE
4 SITUATIONS THAT BROUGHT THESE ISSUES TO THE FORE WHERE
5 LOCAL AGENCIES BROUGHT THIS TO OUR ATTENTION. WE'VE
6 WORKED WITH THE OPERATOR TO TRY TO DETERMINE WHETHER
7 THE TERMS OF THE EXCLUSION ARE BEING MET AND WE
CANNOT
8 DO SO.

9 CHAIRMAN FRAZEE: NOW LET'S HEAR FROM LENORA
10 STEVENSON.

11 MS. STEVENSON: GOOD MORNING. SOMETHING
12 JUMPED OUT AT ME HERE. IT SAYS IN YOUR PUBLIC
OUTREACH

13 AND EDUCATION, "THE INTEGRATED WASTE MANAGEMENT BOARD
14 HAS TWO PRIMARY ROLES. IT PROTECTS PUBLIC HEALTH AND
15 SAFETY AND THE ENVIRONMENT THROUGH OVERSIGHT OF SOLID
16 WASTE FACILITIES." CUSTER LANE IS DEFINITELY AN
17 OVERSIGHT.

18 THESE TIRES, SOME OF THEM, THE PROPERTY
19 IS ONLY 40 FEET AWAY FROM OUR PROPERTY LINES. IT'S
20 BEHIND A CHAIN LINK FENCE. THERE'S NO HIDING THESE
21 TIRES WHATSOEVER.

22 AND I NOTICE THAT YOU SAID ON PAGE 6,
IT
23 SAYS IT HAS OTHER ACTIVITIES. AMONG THE POSSIBLE

24 PHOTOS OF CLEANUP, HOW ABOUT THE STUFF THAT'S COMING
IN

25 AND NEVER GOES OUT? I MEAN THERE SHOULD BE SOMETHING
46

1 THAT SHOULD BE RESCINDED ON THIS EXCLUSION BECAUSE IF
2 THERE WAS SUCH A MARKET FOR THESE TIRES, WHY ARE THEY
3 STOCKPILED EVERY PLACE? THERE'S NO READY MARKET FOR
4 THESE TIRES. THEY SHOULD BE CONTROLLED MORE THAN THEY
5 ARE.

6 I WANT TO THANK YOU FOR LISTENING TO ME.

7 CHAIRMAN FRAZEE: THANK YOU. NOW CALLAN
8 CALLAHAN.

9 MR. CALLAHAN: MY NAME IS CALLAN CALLAHAN. I'M
10 ALSO A RESIDENT OF CUSTER LANE IN OROVILLE. I
11 CURRENTLY LIVE RIGHT NEXT TO A SOLID WASTE FACILITY
12 THAT OPERATES UNDER AN EXCLUSION.

13 AND I HAVE A COPY OF THIS EXCLUSION, AND
14 I CANNOT UNDERSTAND HOW THIS GENTLEMAN OPERATES WITH
15 THIS. FROM DAY ONE WE'VE KEPT TRACK OF THE TIRES
16 COMING IN AND OUT, AND IT'S NOT BEEN A TURNOVER AS
17 ACCORDING TO THAT EXCLUSION.

18 AS STATED BEFORE, THE WASTE MANAGEMENT
19 BOARD IS RESPONSIBLE FOR THE SAFE -- HEALTH AND SAFETY
20 OF THE RESIDENTS OF CALIFORNIA. WITH THIS PROPERTY
21 RIGHT NEXT TO MINE, WE ARE SUBJECT TO FIRE HAZARD, TO
22 ANY CONTAMINANTS THAT HAPPEN TO COME OFF THOSE TIRES
23 FLOODING ACROSS OUR PROPERTY, WE ARE SUBJECT TO
24 VECTORS. WE'VE ALREADY HAD PROBLEMS WITH VECTORS.

25 ALSO, AFTER READING THE EXCLUSION, IT

1 DOES NOT APPEAR TO HAVE ANY ENFORCEABLE ACTIONS ON IT.
2 AND I URGE YOU TO REVOKE THIS EXCLUSION, ESPECIALLY
3 AFTER THE PERSON THAT OWNS THE WASTE SITE NEXT TO US
4 ALSO HAS ANOTHER ONE THAT IS IN WORSE CONDITION, AND
5 HE'S SUPPOSED TO BE CLOSING IT DOWN, AND IT VIRTUALLY
6 LOOKS THE SAME AS IT DID A YEAR AGO. THANK YOU.

7 CHAIRMAN FRAZEE: THANK YOU. AND FINALLY MAE
8 ELMS.

9 MS. ELMS: MY NAME IS MAE ELMS, AND I LIVE ON
10 CUSTER LANE. I LIVE ON CUSTER LANE, AND THIS PLACE IS
11 DIRECTLY ACROSS THE STREET FROM WHERE I LIVE. IT'S A
12 ONE-WAY STREET WITH ALL THE ELDERLY PEOPLE LIVING ON
13 IT. THERE'S A LOT OF THEM THAT WOULD LIKE TO HAVE BEEN
14 HERE AND COULDN'T MAKE IT BECAUSE OF AGE AND ILLNESS
15 AND SO ON, SO WE'RE KIND OF TALKING FOR THEM TOO.

16 BUT WE'RE PUTTING UP WITH RATS, MICE,
17 FLEAS -- MOSQUITOES, ALL KIND OF THINGS LIKE THAT, AS
18 WELL AS THE SMELL, ESPECIALLY IN THE SUMMER. AND WHEN
19 THIS WATER GETS DRAINED OFF, THINK WHAT IT'S GOING TO
20 DO WITH THE MOSQUITO POPULATION.

21 THERE'S ONE OR TWO NEIGHBORS THAT'S
22 ALLERGIC TO TIRES THAT ARE THINKING OF HAVING TO MOVE
23 IF THAT'S LEFT ON THERE. AND IT'S AFFECTING THE HEALTH
24 OF A NUMBER OF PEOPLE ON THE LANE. IT'S JUST A NARROW
25 ROAD, AND WHAT THEY'RE DOING TO OUR ROAD, THE BUMPS,

1 YOU CAN HARDLY GET THROUGH THE ROAD ANYMORE WITH GREAT
2 BIG DEEP HOLES IN IT. IT'S JUST COMPLETELY RUINED ON
3 ACCOUNT OF THE TRUCKS THAT'S COMING IN. AND IT ISN'T
4 WIDE ENOUGH TO ACCOMMODATE A BIG TRUCK, BUT YET THEY
5 BRING THEM IN ANYHOW.

6 AND THEY JUST KEEP ON GOING AND GOING AND
7 GOING REGARDLESS OF OUR SAFETY, WHICH HAS ALSO BROUGHT
8 ABOUT SOME PERSONAL CONFRONTATION, WHICH I WAS A VICTIM
9 OF ONE. AND WE JUST WOULD LIKE TO SEE SOMETHING DONE
10 ABOUT IT, PREFERABLY TAKEN OFF THE LANE. IT ISN'T THE
11 RIGHT PLACE BECAUSE ALL WE HAVE IS OUR HOMES. WE
12 HAVEN'T GOT ANYTHING ELSE TO LIVE WITH OR FOR. AND
13 IT'S UP TO YOU FOLKS TO HELP US OUT. THANK YOU.

14 CHAIRMAN FRAZEE: THANK YOU. THAT COMPLETES
15 THE LIST --

16 UNIDENTIFIED SPEAKER: EXCUSE ME, SIR.

17 CHAIRMAN FRAZEE: JUST LET ME FINISH.

18 -- COMPLETE LIST OF INTERESTED CITIZENS.

19 I MIGHT COMMENT THAT THERE ARE REALLY TWO
20 PROBLEMS HERE. ONE THAT PERHAPS WE CAN DEAL WITH, AND
21 THAT'S THE PERMITTING OF THE SITE, BUT THE MUCH LARGER
22 PROBLEM IS THE LOCATION OF THE SITE, WHICH REMAINS A
23 LAND USE ISSUE WITH THE COUNTY. AND EVEN IF WE WERE TO
24 CHANGE OUR REGULATIONS AND TO REQUIRE A PERMIT, THAT
25 WOULD NOT MEAN THAT THE SITE WOULD BE CHANGED

1 SUBSTANTIALLY. IT WOULD STILL BE UNDER COUNTY
2 REGULATIONS AND WOULD STILL BE A TIRE SITE.

3 SO WITH THAT, LET'S HEAR FROM THE
4 OPERATOR, KIRK COFER.

5 MR. COFER: GOOD MORNING. THANK YOU. MY NAME
6 IS KIRK COFER. YES, I AM THE TIRE -- THE
7 OWNER-OPERATOR OF THE SITE ON CUSTER LANE. IT IS VERY
8 FRUSTRATING TO SIT HERE AND HEAR THINGS THAT I FEEL ARE
9 INCORRECT AND SO FORTH. BUT I WOULD JUST REFER TO
10 HISTORY OF THIS PARTICULAR SITE, AND THEN I'D LIKE TO
11 MOVE ONWARD TO THE EXCLUSION.

12 WE -- THE HOMEOWNERS OF THIS PIECE HERE
13 HAVE BEEN NONCONFORMING RESIDENTS. THAT'S M2 ZONING
14 OUT THERE. SIX MONTHS BEFORE MOVING THERE, WE WROTE
15 ALL GOVERNMENT AGENCIES, INCLUDING THE INTEGRATED WASTE
16 MANAGEMENT, ABOUT OUR INTENTIONS TO MOVE THERE AND
17 PURCHASE THAT FACILITY. WE OWN THAT PROPERTY. WE'RE
18 BUYERS. THREE MONTHS PRIOR TO MOVING IT WE WERE
19 APPROVED.

20 MR. KEFFER FROM INTEGRATED WASTE
21 MANAGEMENT BOARD CAME OUT AND ACTUALLY TALKED TO A
22 COUPLE OF THE PEOPLE HERE, AND THEY CONTINUED TO CHOOSE
23 TO BE NONCONFORMING RESIDENTS. AND THIS IS WHAT HAS
24 CREATED THE PROBLEM. AFTERWARDS, THERE'S BEEN SOME
25 POLITICAL ACTIONS UP THERE. AS A RESULT, THERE'S

NOW

1 TWO COURT CASES THAT ARE GOING TO BE IN THE COURTS.
2 THEY'LL BE IN APRIL. AND THIS WILL, I HOPE, RESOLVE
3 SOME OF THE PRESSURES OF THIS FACILITY AND FIND OUT
4 WHAT'S RIGHT AND WHAT'S WRONG. AND WE'LL LIVE WITH IT,
5 YOU KNOW, WHATEVER THE COURTS DEEM NECESSARY OR LEGAL.

6 AND THERE HAVE BEEN NO CRIMINAL CHARGES
7 BROUGHT. THERE WAS A CRIMINAL CHARGE, BUT THEY
8 DISMISSED IT BECAUSE THEY FOUND IT WAS INADEQUATE.
9 THERE'S BEEN NO CRIMINAL CHARGES.

10 WE HAVE VECTOR CONTROL. WE ARE -- WE
11 WORK VERY CLOSELY WITH BUTTE COUNTY MOSQUITO ABATEMENT.
12 WE HAVE RODENT CONTROL. WE HAVE OUR OWN AGENCY OR OUR
13 OWN INDEPENDENT PEOPLE THAT ARE COMING IN AND CHECKING
14 FOR US. WE HAVE NOT FOUND A PROBLEM YET, SO WE HAVEN'T
15 HIRED ANYTHING BECAUSE WE HAVEN'T HAD A PROBLEM. THE
16 WATER HE'S TALKING ABOUT IS GOING THROUGH 40-YEAR-OLD
17 PIPES THAT ARE EXISTING THAT WAS THE CURRENT DRAIN
18 THERE. THEY'VE BEEN OVER 40 YEARS.

19 THIS WAS COMMERCIAL PROPERTY WHEN THESE
20 PEOPLE BOUGHT THIS PROPERTY. THIS HAS BEEN WATER --
21 YOU KNOW, THIS HAS BEEN WATER STORAGE FACILITY FOR ORA
22 WYANDOTTE. IT'S BEEN COMMERCIAL PROPERTY ALL ITS LIFE.
23 AND THESE PEOPLE ARE BASICALLY COMING BEFORE YOU AND
24 BASICALLY ASKING YOU TO DO SOMETHING THAT THEY DIDN'T

25 TAKE CARE OF IN 18 YEARS.
 51

1 I'M WILLING TO WORK WITH YOU PEOPLE ON
2 ANY QUESTIONS. EVERY TIRE COMING IN THIS FACILITY AND
3 GOING OUT IS MANIFESTED, MANIFESTED. I WAS REQUESTED
4 BY INTEGRATED WASTE ON THE OTHER SITE AND BY THE COUNTY
5 TO AUDIT. WE PROVIDED ALL AUDITS. WE SPENT OVER \$200
6 IN PHOTOCOPYING. WE BROUGHT AUDITS RIGHT DOWN HERE.
7 WE PASSED THE AUDIT. WE COMPLIED -- WE HAVE COMPLIED
8 FOR SIX YEARS.

9 WE HAVE THREE FACILITIES. ALL OUR
10 FACILITIES ARE OPERATING WITHIN GUIDELINES. WE RECYCLE
11 AS OPPOSED TO LANDFILL MOST OF OUR TIRES, AND THIS IS
12 SOMETHING THAT WE'RE KIND OF PROUD OF.

13 ONE OF THE THINGS THAT MAKES US A LITTLE
14 UNIQUE IS WE DO A TREMENDOUS AMOUNT OF EARTHMOVER
15 TIRES, AND THIS IS CREATING SOME PROBLEMS, I
16 UNDERSTAND, WITH THE NUMBERS AND SO FORTH, WITH THE
17 NUMBERS BEING ABLE DUE TO AUDITS AND SO FORTH.

18 MOVING ON TO THE EXCLUSION, WE WERE ON A
19 FORMAL PLAN HERE OF ADDRESSING THESE HERE THROUGH THE
20 INTEGRATED WASTE MANAGEMENT BOARD, AND NOW ALL OF A
21 SUDDEN WE HAVE AN URGENCY. I ONLY RECEIVED LESS THAN
22 40 HOURS TO BE HERE AT THIS MEETING. I WASN'T ABLE TO
23 GET MY COUNSEL HERE, AND THIS AFFECTS RECYCLING
24 DRASTICALLY AND DOES AFFECT BUSINESS. IT'S GOING TO
25 AFFECT MOST EVERY TIRE DEALER, TRUCK COMPANIES, AUTO

1 RECYCLERS, EQUIPMENT DISMANTLERS OR -- EXCUSE ME --
2 EQUIPMENT DEALERS.

3 THIS IS NOT A SMALL ITEM BECAUSE A LOT OF
4 THESE PEOPLE ARE THE REASON THE EXCLUSION WAS PUT
5 THERE. AND I WORKED SOME WITH IT WHEN IT WAS
6 ESTABLISHED WAS TO MAKE A PLAN FOR PEOPLE TO BE ABLE TO
7 TAKE AND CONTINUE TO DO BUSINESS WITHOUT THE -- SO MUCH
8 STATE REGULATIONS ON THEM THAT IT CRIPPLED THEM.

9 AND I DON'T HAVE A PROBLEM. I'VE TALKED
10 WITH MR. BEGLEY, AND HE'S EXPRESSED SOME CONCERNS, AND
11 I THINK THEY'RE BONA FIDE CONCERNS AND MR. VLACH. I AM
12 WILLING TO WORK WITH THEM. WE'RE WILLING. THERE DOES
13 NEED TO BE SOME CHANGES.

14 EARTHMOVER, THE WAY, WE RECOGNIZE -- THEY
15 SAY THEY HAVE NO WAY OF CONTROLLING THIS. WE MANIFEST
16 EVERY SINGLE TIRE, YOU KNOW, LESS THAN FOUR, THAT COMES
17 IN OUR PROPERTY. WHAT MORE DO WE NEED? I DON'T
18 UNDERSTAND WHAT -- WE HAVE A MANIFEST PROGRAM. WE
19 ABIDE BY IT. WE HAUL EVERYTHING WITH MANIFESTS, AND WE
20 COMPLY. WE HAVE THE TURNS. WE TURN OUR TIRES
21 PROPERLY, AND WE RECYCLE THEM.

22 AND, YOU KNOW, I WOULD LIKE TO REQUEST
23 FROM THE BOARD NOW JUST TO TAKE AND LEAVE THIS ON THE
24 FORMAL TRACK LIKE IT WAS. LET US WORK WITH INTEGRATED

25 WASTE. IF THERE'S SOME PROBLEMS, LET'S WORK THROUGH
53

1 THEM. WE WOULD LIKE TO. AND AT LEAST GIVE ME THE
2 TIME, INSTEAD OF APPROVING THIS TODAY, AT LEAST GIVE US
3 TIME FOR ME TO NOTIFY ALL THE TIRE DEALERS, THE
4 CONSTRUCTION COMPANIES SO THAT WE'RE NOT TIED UP IN
5 LITIGATIONS AND SO FORTH. LET'S WORK THIS OUT AS
6 OPPOSED TO FIGHTING EACH OTHER AND SO FORTH. THAT'S
7 ALL I'M ASKING. THANK YOU VERY MUCH.

8 CHAIRMAN FRAZEE: LET ME ASK YOU A COUPLE
9 QUESTIONS. APPROXIMATELY HOW MANY TIRES DO YOU HAVE ON
10 THIS SITE?

11 MR. COFER: RIGHT NOW I HAVE APPROXIMATELY 8,
12 9,000.

13 CHAIRMAN FRAZEE: AND THE NATURE OF YOUR
14 BUSINESS IS ESSENTIALLY USED TIRES?

15 MR. COFER: YES, SIR. AND WE TAKE A TIRE THAT
16 MOST RETREAD FACILITIES WOULD HAVE, YOU KNOW, SAY,
17 REJECTED AND WE USE THEM FOR BREAKWATERS, FOR TUG
18 BOATS, WE USE THEM FOR PIVOT-POINT IRRIGATION. WE USE
19 THEM FOR PEOPLE TO COME OUT OF STATE AND PICK THEM UP
20 FOR REPAIRABLES SHIPPED OUT. I HAVE AN ORDER FOR 132
21 OF THEM GOING TO GUAM BECAUSE OF TYPHOON. YOU KNOW,
22 THEY'VE HAD BREAKERS ON BOATS. I HAVE ANOTHER ORDER.

23 THEY SAY THEY HAVE A PROBLEM WITH 5,000.
24 I NEED A BUNCH OF EARTHMOVER TIRES RIGHT NOW FOR LAKE
25 MEAD. IT'S BEYOND ME SHIPPING -- YOU KNOW, THE COST IS

1 NOT COST-EFFECTIVE FOR ME TO SHIP THEM FROM OROVILLE,
2 BUT HE SAYS HE HAS SOME SOUTH.

3 THIS IS A SPECIALTY OF OURS IS TO TAKE
4 TIRES THAT NOBODY ELSE CAN GET RID OF AND TO GET RID OF
5 THEM AND TO RECYCLE THEM AS OPPOSED TO CUT AND BURN
6 THEM OR PUT THEM BACK INTO THE LANDFILL.

7 I TOO READ, AND I'VE BEEN CONFUSED FROM
8 DAY ONE, THE INTENT OF THE INTEGRATED WASTE MANAGEMENT
9 BOARD. AND I TOO SEE THAT RECYCLING AND TRYING TO -- I
10 READ IN HERE WHERE YOU ARE TRYING TO, AND I'VE
11 UNDERSTOOD IT FROM DAY ONE, THAT WE'RE TRYING TO REDUCE
12 THE AMOUNT OF FLOW INTO THE LANDFILLS. AND WE'RE
13 COMING UP WITH METHODS AND WOULD LIKE TO WORK WITH
14 INTEGRATED WASTE -- WITH THE BOARD TO CONTINUE TO DO
15 THIS.

16 IF WE NEED FUNDING OR WHATEVER TO
17 ACTUALLY TAKE THE TIRES OUT OF THE LANDFILLS AND
18 RECYCLE THEM AND PUT THEM INTO OTHER USES, THIS IS THE
19 WHOLE GOAL OF OUR CORPORATION. AND, YOU KNOW, IF WE
20 NEED TO REWORK THE EXCLUSION PROGRAM, AND I'M NOT
21 SAYING THERE ISN'T A NEED, LET'S REWORK IT AS
22 BUSINESSMEN IN THE STATE AND TRY AND RESOLVE THIS
23 PROPERLY INSTEAD OF SOME KNEE JERK EMERGENCY PROPOSAL.
24 THANK YOU, SIR.

25 CHAIRMAN FRAZEE: OKAY. THANK YOU.

1 MEMBER JONES: CAN I ASK A QUESTION, MR.

2 CHAIRMAN?

3 MR. COFER: ABSOLUTELY.

4 MEMBER JONES: 9,000 TIRES OR 9,000 TIRE
5 EQUIVALENTS?

6 MR. COFER: 9,000 TIRES.

7 MEMBER JONES: SO HOW MANY OF THOSE ARE
8 EARTHMOVING TIRES? QUARTER? HALF?

9 MR. COFER: QUARTER.

10 MEMBER JONES: AND I THINK ONE OF THE PROBLEMS
11 IS IF YOU SAY YOU HAVE AN ORDER FOR A 132 TIRES OR
12 WHATEVER.

13 MR. COFER: THEY ARE TRUCK TIRES.

14 MEMBER JONES: BUT, YOU KNOW, SOMEHOW WE HAVE
15 TO BE ABLE TO -- WE GOT TO PUT INTO -- I THINK WE NEED
16 TO PROMOTE THE MARKETS. OKAY. I THINK WE HAVE TO
17 PROMOTE THE MARKETS, BUT A 132 TIRES, AN ORDER FOR A
18 132 TIRES WHEN YOU HAVE -- A QUARTER OF THIS IS 2,000
19 TIRES -- 2,200 OF THESE TIRES THERE, IT'S PRETTY SMALL
20 PERCENTAGE IN ORDERS. HOW DO WE BALANCE THE NEED TO
21 HAVE INVENTORY TO BE ABLE TO MEET TIRES VERSUS WHAT THE
22 REAL ORDERS ARE BECAUSE THAT'S HOW WE HAVE -- YOU KNOW,
23 THAT'S HOW WE'VE GOT TO -- I THINK THAT'S HOW WE HAVE
24 TO LOOK AT THIS THING BECAUSE 9,000 TIRES TO FILL A 132
25 TIRE ORDER IS A BIT OF AN OVERKILL. YOU KNOW WHAT I

1 MEAN? COULD BE VIEWED AS TIRE STORAGE, YOU KNOW, AND
2 NOT RECYCLING, ESPECIALLY IF A SLOW MARKET HITS.

3 MR. COFER: VERY PERCEPTIVE. VERY GOOD.
4 THAT'S EXACTLY IT AND THIS IS THE ISSUE THAT NEEDS TO
5 BE ADDRESSED. I THINK GET IN AND GET THE FACTS, WE'LL
6 BE ABLE TO WORK SOMETHING OUT. WE'LL WORK WITH YOU
7 BECAUSE THIS WAS FOR PARTICULAR TIRES THAT HAVE TO BE
8 43 AND 47 INCHES TALL. I HAVE THOSE TIRES READY TO GO
9 OR WE LOSE THAT BUSINESS. WE MIGHT LOSE IT TO ARIZONA.
10 I HAVE TO HAVE THOSE INVENTORIES BY SIZES, AND THESE
11 HAPPEN TO BE WHAT WE CALL DUPLEX TIRES OR CEMENT TRUCK
12 TIRES. I HAVE TO CARRY MAYBE 250 OR 300 OF THOSE TO
13 FILL THE ORDERS WHEN I RECEIVE THEM. THE SAME AS I'VE
14 GOT AN ORDER RIGHT NOW FOR 300 TIRES. THEY WANT THEM 6
15 FOOT TALL EARTHMOVER TIRES. YOU HAVE TO HAVE THE TIRES
16 IN STOCK OR YOU LOSE THOSE SALES.

17 AND SO YOU ARE CORRECT ON THE INVENTORY.
18 THE INVENTORY IS THE KEY. AND THIS IS WHAT WE NEED TO
19 WORK AND RESOLVE. AND OBVIOUSLY I AM TURNING THE
20 INVENTORY, OR I WOULDN'T HAVE MY TURNS FOR THE
21 EXCLUSION.

22 MEMBER JONES: I THINK THAT'S WHAT'S UP FOR
23 DISCUSSION AS TO WHAT'S THE RATE OF TURN.

24 MR. COFER: THANK YOU. PLEASE. THEN THIS IS
25 WHAT I'M ASKING. PLEASE LET'S DISCUSS AND NOT HAVE

1 THIS EMERGENCY. LET'S GO THROUGH THE NORMAL CHANNELS
2 THAT WE WERE IN THE PROCESS OF DOING.

3 MEMBER JONES: OKAY. I THINK CHAIRMAN FRAZEE
4 WAS ACCURATE IN TELLING THE CITIZENS THERE'S TWO ISSUES
5 HERE. ONE OF THEM IS THE ZONING ISSUE, WHICH WE HAVE
6 NO CONTROL OVER, BUT YOU HAVE CONTROL OVER. I THINK
7 THAT, YOU KNOW, IT WOULD BE HELPFUL FOR YOU -- YOU
8 KNOW, THIS IS NOT PART OF THIS EXCLUSION IDEA, BUT TO
9 WORK WITH THESE PEOPLE BECAUSE, YOU KNOW, YOU NEED TO
10 STAY IN BUSINESS, YOU NEED TO DO SOMETHING TO KEEP YOUR
11 NEIGHBORS HAPPY BECAUSE IT JUST MAKES IT HARD FOR
12 EVERYBODY HERE THAT'S TRYING TO DO BUSINESS IN THE TIRE
13 MARKETS.

14 MR. COFER: SIR, I'VE OFFERED TO PUT UP
15 LANDSCAPING. I'VE OFFERED TO PUT UP SLATTING. I'VE
16 OFFERED TO PUT UP A BERM, AN EARTHEN BERM ALL THE WAY
17 AROUND THE PRODUCTS. WE'VE MOVED A HUNDRED FEET AWAY
18 FROM THEIR PROPERTY WITH THE INVENTORY. WE'VE JUST --
19 WE'VE DONE EVERYTHING, AND THERE IS NO -- THEY WANT US
20 OFF. END OF SENTENCE. THEY WANT US OFF. END OF
21 SENTENCE. THERE IS NO NEGOTIATIONS. I'VE TRIED.

22 MEMBER JONES: IT WAS A SEPARATE ITEM.

23 MR. COFER: I APPRECIATE. VERY GOOD CONCERN.

24 MEMBER RELIS: MR. JONES ASKED YOU ABOUT THE
25 RATIO, I GUESS, WE'LL CALL IT. IN A NORMAL BUSINESS,

1 IF WE WERE LOOKING AT THIS AS A MANUFACTURING, OR YOU
2 SAY YOU ARE A RECYCLER, OKAY. SO RECYCLER TO ME IS YOU
3 HAVE INVENTORY AND YOU HAVE YOUR MANUFACTURING OR
4 HOWEVER YOU DISTRIBUTE YOUR CARS CALIBRATED, SO YOU ARE
5 NOT JUST CARRYING TEN TIMES THE INVENTORY THAT YOU
6 NEED. NOW, WHAT'S THE BIGGEST ORDER YOU'VE EVER PLACED
7 FOR YOUR TRACTOR TIRES?

8 MR. COFER: TRACTOR TIRES.

9 MEMBER RELIS: EVER, I MEAN DOCUMENTED REAL
10 ORDER.

11 MR. COFER: 18,000 EARTHMOVER TIRES -- I MEAN
12 1800 EARTHMOVER TIRES.

13 MEMBER RELIS: 1800 IN ONE ORDER.

14 MR. COFER: IN ONE ORDER. LAKE PYRAMID NORTH
15 OF RENO RIGHT THERE IN THE WATER.

16 MEMBER RELIS: HOW MANY OF THOSE HAVE YOU HAD
17 IN YOUR CAREER?

18 MR. COFER: 1800 TIRES? OH, 40, 50 -- 1800.
19 NO. NO. NO. BUT YOU HAVE BREAKWATER ORDERS.

20 MEMBER RELIS: I DON'T KNOW WHICH ORDER, BUT I
21 MEAN I'M LOOKING FOR A RELATIONSHIP BETWEEN THE SCALE
22 OF YOUR ORDERS AND YOUR INVENTORY. AND RIGHT NOW IT
23 SOUNDS TO ME LIKE IT'S ROUGHLY TEN TO ONE. YOU GOT TEN
24 TIMES THE INVENTORY TO MEET YOUR --

25 MR. COFER: NO, SIR. OBVIOUSLY I WOULDN'T

1 HAVE TEN TO ONE BECAUSE I'M TURNING THESE -- I HAVE 10
2 PERCENT FOR EVERY TIRE WE'RE TURNING. I'M ONLY ALLOWED
3 TO HAVE THE TIRES, AS THE EXCLUSION STATES, SO MY TIRES
4 ARE TURNED EVERY FIVE MONTHS. TEN PERCENT OF MY TIRES
5 I HAVE IN STOCK, EACH TIRE OVER A FIVE-MONTH PERIOD HAS
6 TO BE TURNED FIVE TIMES. MIGHT NOT BE THE SAME TIRE,
7 BUT I HAVE TO HAVE THE TURN THERE FOR THE EXCLUSION.

8 MEMBER RELIS: OKAY. THANK YOU.

9 MR. COFER: DOES THAT ANSWER YOUR QUESTION,
10 SIR?

11 MEMBER RELIS: WELL, AT LEAST IT'S A NUMBER.

12 MR. CHANDLER: IS IT MR. COFER? YOU SOUND
13 PRETTY FAMILIAR WITH OUR TIRE REGULATIONS AS IT RELATES
14 TO THE MAJOR AND THE MINOR TIRE REQUIREMENTS SINCE ITS
15 INCEPTION.

16 MR. COFER: SOMEWHAT WORKING KNOWLEDGE.

17 MR. CHANDLER: WHAT IS IT ABOUT -- GIVEN THE
18 NUMBER OF TIRES THAT YOU HAVE AT YOUR SITE, IF THIS
19 EXCLUSION WAS REVOKED, YOU WOULD MOST LIKELY BE
20 CHARACTERIZED AS NEEDING A MAJOR WASTE TIRE
FACILITIES

21 PERMIT. WHAT IS IT ABOUT THOSE REQUIREMENTS THAT
22 TROUBLE YOU? IS IT THAT -- GIVEN THAT WE'RE NOT
GOING

23 TO BE DEALING WITH THE LAND ISSUE SITUATION HERE AND
24 THAT YOU MOST LIKELY WOULD WANT TO KEEP YOUR BUSINESS

25

GOING, WE'RE ASKING FOR POTENTIALLY HEIGHTENED

60

1 REQUIREMENTS AROUND YOUR FACILITY. AND THAT WOULD BE
2 REQUIREMENTS THAT APPLY TO THE WASTE TIRE PERMIT
3 REQUIREMENT. WHAT IS IT ABOUT THOSE REQUIREMENTS
4 THAT --

5 MR. COFER: THERE IS TWO MAJOR REQUIREMENTS.
6 THAT'S A VERY GOOD QUESTION. THERE'S TWO MAJOR THINGS.
7 A LOT OF COUNTIES AND EVERYTHING, THE ZONING, LIKE OUR
8 ZONING REQUIRES FOR A MAJOR WASTE TIRE FACILITY, THAT A
9 USE PERMIT BE REQUIRED. AND FOR A SMALL ONE, YOU WOULD
10 HAVE A MINOR, YOU KNOW, LIKE MY PROPERTY IS ZONED. BUT
11 YOU HAVE 5,000 TIRE DEALERS, 10,000 TIRE DEALERS THAT
12 HAVE OUTSIDE STORAGE THAT YOU ARE NOW GOING TO CREATE,
13 IF YOU PUT THIS EMERGENCY LEGISLATION HERE, THEY'RE
14 GOING TO BE ZONED WRONG. AND SURE, THEY HAVE PROBABLY
15 GRANDFATHERED RIGHTS, BUT IT'S GOING TO BE COURT
16 BATTLES.

17 AND RIGHT HERE IN BUTTE COUNTY IT SAYS,
18 SO, A, I'M GOING TO PROBABLY BE INSTANTLY ZONED. I'LL
19 BE HAVING TO GO THROUGH A USE PERMIT. I'VE ALREADY
20 BOUGHT THIS PROPERTY. IF A USE PERMIT IS TIED TO MY
21 PROPERTY, IT'S NOT WORTH A CENT OTHER THAN RETAIL.
22 THEY TALK ABOUT NICE HOMES. THERE'S A SAWMILL, A
23 LUMBERYARD, A JUNKYARD ALL IN THE NEIGHBORHOOD. THE
24 NORMAL PERSON WOULD NOT BUY THIS PROPERTY. SO INSTEAD
25 OF BEING INDUSTRIAL PROPERTY, MY VALUE IS GOING TO GO

1 DOWN TO NOTHING ON THIS PROPERTY. THAT'S MY MAJOR
2 CONCERN IS BECAUSE ALL OF A SUDDEN THE PROPERTY, YOU
3 KNOW -- THESE PEOPLE HAVE BEEN NONCONFORMING RESIDENTS.
4 MAYBE THEY LIKE THE SOUND OF A SAWMILL. I DON'T. I
5 WOULDN'T LIVE THERE.

6 MR. CHANDLER: HOW ABOUT THE FINANCIAL
7 ASSURANCE REQUIREMENTS? DOES THAT --

8 MR. COFER: FINANCIAL ASSURANCE COULD BE A
9 SMALL PROBLEM FOR ME. I DON'T FORESEE A PROBLEM.

10 MY SECOND MAJOR CONCERN, YOU KNOW, IT
11 WOULD BE THE FINANCIAL ASSURANCE. THIS IS SOMETHING
12 THAT I'D LIKE TO WORK WITH THE STATE IF YOU ARE
13 ENCOURAGING RECYCLING AND HAVE FUNDS AVAILABLE. IF I'M
14 TRULY RECYCLING, I CAN PROVE TO YOU PEOPLE, WHICH I
15 FEEL THAT I'M CAPABLE OF DOING SO, YOU MIGHT WANT TO
16 HELP CONTINUE RECYCLING EARTHMOVER TIRES. IT'S SURE
17 BETTER THAN CUTTING THEM UP AND TAKING THEM TO THE
18 LANDFILL. AND I'D THINK POSSIBLY YOU'D BE WILLING TO
19 WORK WITH ME ON THE RECYCLING OF THESE TIRES.

20 MR. CHANDLER: THANK YOU. SO IN SUMMARY, IT'S
21 REALLY THE POTENTIAL LOCAL USE REQUIREMENT AND TO A
22 DEGREE THE FINANCIAL ASSURANCE.

23 MR. COFER: AND THE USE REQUIREMENT IS NOT
24 JUST GOING TO AFFECT ME. IT'S GOING TO AFFECT TIRE
25 DEALERS, NEW DEALERS, CONSTRUCTION COMPANIES,

1 EVERYBODY. THIS IS A SERIOUS DEAL WE'RE TALKING HERE
2 TODAY.

3 MR. CHANDLER: THANK YOU.

4 MS. TOBIAS: MR. CHAIR, MAY I ASK A QUESTION
5 OF MR. COFER TO CLARIFY SOMETHING? ONE OF THE PROBLEMS
6 THAT I THINK YOU HEARD STAFF DESCRIBE WAS THE PROBLEM
7 THAT WE REALLY CAN'T TELL WHETHER PEOPLE UNDER THIS
8 EXCLUSION ARE MEETING THE EXCLUSION. SO COULD YOU
9 DESCRIBE FOR THE RECORD WHAT YOUR MANIFESTING SYSTEM IS
10 AND HOW YOU KNOW AND HOW ANYBODY WHO'S LOOKING AT
11 ENFORCEMENT WOULD KNOW HOW THOSE TIRES ARE MOVING ON
12 AND OFF THAT PROPERTY?

13 MR. COFER: I CAN ONLY CHOSE TO QUOTE YOUR
14 REGULATIONS. YOU KNOW, WE'VE ESTABLISHED THE WEIGHT OF
15 TRUCK TIRES. WE'VE ESTABLISHED THE WEIGHT OF CAR
16 TIRES. YOU ARE CURRENTLY CHANGING THE CAR TIRE
17 REGULATIONS. BRING IT A LITTLE MORE. WE CREATED THE
18 WEIGHT OF CAR TIRES. WE MANIFEST EVERY SINGLE TIRE
19 THAT COMES IN OUR FACILITY. AND WE GO BY WEIGHT EVERY
20 TIRE GOING OUT OF OUR FACILITY. THERE IS A FEW CASES
21 WHERE THEY GO OUT ON INVOICES BY THE TIRE. BUT IT
22 WOULDN'T TAKE A CERTIFIED PUBLIC ACCOUNTANT TO BE ABLE
23 TO COME IN AND DO THIS.

24 THERE IS CONFUSION. EARTHMOVER TIRES
25 NEEDS TO BE ADDRESSED. I DO -- I CAN -- I TALKED TO

1 THE BOARD ABOUT THIS. I THOUGHT ABOUT IT. EARTHMOVER
2 TIRES, THAT'S WHERE THEY OUGHT NOT THROW THE BABY OUT
3 WITH THE WASH JUST BECAUSE WE HAVE A PROBLEM WITH
4 EARTHMOVER TIRES. THE EXCLUSION, IT'S A GOOD PROGRAM.

5 MS. TOBIAS: SORRY. I PROBABLY DON'T
6 UNDERSTAND. I REALLY HAVEN'T LOOKED INTO THIS BEFORE,
7 SO FORGIVE ME IF THIS QUESTION DOESN'T MAKE SENSE. BUT
8 ARE YOU SAYING THAT YOU ARE BASICALLY FIGURING OUT HOW
9 MUCH TIRES MOVE IN AND OUT BY WEIGHT, SO ALL YOU ARE
10 REALLY SAYING IS THAT THERE ARE CERTAIN NUMBER OF TIRES
11 COMING AND A CERTAIN NUMBER OF TIRES GOING OUT, AND
12 THAT'S HOW YOU'RE MEASURING THIS TURNOVER RATE?

13 MR. COFER: UH-HUH.

14 MEMBER JONES: DO YOU HAVE A SCALE ON SITE?

15 MR. COFER: WE HAVE A SCALE DOWN THE STREET.
16 IN FACT, WE HAVE THREE SCALES DOWN THE STREET, SO WE
17 HAVE PLENTY OF FACILITIES TO SCALE. AND THEN MOST OF
18 THEM GO TO REDDING. THEY'RE PAID FOR BY THE TON. THE
19 LANDFILLS ARE PAID FOR BY THE TON, SO THERE'S DOUBLE
20 AND TRIPLE WEIGHING OF THE TIRES GOING OUT, AND THEY'RE
21 ALL DONE BY CERTIFIED SCALES.

22 MEMBER JONES: IS THAT PART OF YOUR
23 RECORDKEEPING?

24 MR. COFER: ABSOLUTELY.

25 CHAIRMAN FRAZEE: OKAY. THANK YOU.

1 UNIDENTIFIED SPEAKER: CAN I SPEAK AGAIN?

2 CHAIRMAN FRAZEE: WELL, I DON'T THINK WE NEED
3 TO GET INTO A COUNTER ARGUMENT.

4 NOW CHUCK WHITE REPRESENTING WASTE
5 MANAGEMENT. AND FOR THE RECORD, I WANT TO INDICATE
6 THAT WE HAVE A LETTER FROM MR. WHITE DEALING WITH THIS
7 ISSUE THAT'S BEFORE US.

8 MEMBER RELIS: SO THAT WILL BE EX PARTE'D FOR
9 ALL BOARD OR WE'LL NOTICE IT FOR ALL OF US? I GOT THE
10 SAME LETTER.

11 MR. WHITE: THANK YOU, MR. CHAIRMAN, MEMBERS
12 OF THE BOARD. I APPRECIATE YOU SCHEDULING MY
13 PRESENTATION AFTER THE PREVIOUS DISCUSSION. QUITE
14 INTERESTING.

15 I REPRESENT WASTE MANAGEMENT, AND WE'RE
16 INTERESTED IN TRYING TO FIND A WAY TO CREATE AN
17 APPROPRIATE BALANCE BETWEEN THE CONCERNS THAT HAVE BEEN
18 EXPRESSED BY THE CITIZENS IN TERMS OF THESE WASTE
19 PILES, BUT ALSO TO PROVIDE AN EXCLUSION THAT WOULD
20 PROMOTE REMANUFACTURING, REUSE, AND RECYCLING OF WASTE
21 TIRES AT FACILITIES WITHOUT BURDENING THEM WITH
22 OVERBURDENSOME PERMITTING AND REGULATORY REQUIREMENTS.
23 AND THIS REALLY IS A TENSION, I THINK, THAT EXISTS
24 WIDESPREAD.

25 I HAD THE OPPORTUNITY TO ATTEND PETER

1 ROONEY'S 1998-99 BUDGET INITIATIVES, AND I WAS
2 IMPRESSED, OF COURSE, WITH THE MYRIAD OF ISSUES THAT
3 CONFRONT THE CAL-EPA AND ITS MEMBER DEPARTMENTS AND
4 BOARDS. BUT CERTAINLY THE ISSUE OF WASTE TIRES IS
5 FOREFRONT IN THIS BUDGET INITIATIVE. CLEARLY, THE
6 TWOFOLD PROBLEM OF CLEANING UP LEGACY WASTE TIRE PILES
7 IS HIGHLIGHTED FIRST AND FOREMOST, BUT ALSO, AND I
8 QUOTE DIRECTLY FROM MR. ROONEY'S HIGHLIGHTED PROGRAMS
9 FOR '98-'99, TIRE RECYCLING, PROMOTE THE REUSE OF WASTE
10 TIRES TO NEW PRODUCTIVE USES. THIS BEING A HIGHLIGHTED
11 EFFORT OF THE CAL-EPA.

12 SO ON ONE HAND WE DO HAVE -- WE RECOGNIZE
13 THE CONCERNS THAT STAFF AND OTHERS IN TERMS OF THESE
14 MULTITUDE OF WASTE TIRE PILES, TIRE PILES THAT EXIST
15 AROUND THE STATE AND THE CONCERNS THAT HAVE BEEN
16 EXPRESSED BY THE COMMUNITY MEMBERS. AT THE SAME TIME
17 WE'RE INTERESTED IN TRYING TO FIND A WAY THAT WILL
18 PROMOTE THE RECYCLING AND RECOVERY OF THESE WASTE TIRES
19 INTO BONA FIDE, BENEFICIAL REUSE.

20 WE DO WANT TO WORK WITH THE STAFF TO TRY
21 TO CREATE A REASONABLE EXCLUSION, NOT A BROAD EXCLUSION
22 THAT CURRENTLY EXISTS IN THE REGULATIONS THAT YOU ARE
23 PROPOSING TO REPEAL, BUT A REASONABLE, NARROW EXCLUSION
24 FOR WASTE RECYCLING AND REMANUFACTURING OPERATIONS
25 WHERE THERE'S INCIDENTAL ACCUMULATION -- TEMPORARY

1 ACCUMULATION OF TIRES ON SITE PRIOR TO THAT
2 REMANUFACTURING OPERATION.

3 FROM THE DISCUSSIONS THAT WE HAD EARLIER
4 THIS MONTH WITH STAFF AND UNDERSTANDING THAT THERE'S 70
5 SOME ODD FACILITIES THAT THEY HAVE CONCERNS ABOUT, THE
6 KIND OF FACILITIES THAT WE'RE TALKING ABOUT, WE HAVE
7 BEEN LED TO UNDERSTAND BY THE STAFF, ARE REALLY NOT THE
8 CONCERNS OF THE STAFF, THOSE THAT ARE DIRECTLY
9 ASSOCIATED WITH REMANUFACTURING. PART OF THE PROBLEM
10 IS THERE'S NOT VERY MANY REMANUFACTURING OPERATIONS
11 GOING ON IN THE STATE, ONLY JUST A HANDFUL, WHERE
12 THEY'RE ACTUALLY DIRECTLY INVOLVED IN MAKING CRUMB
13 RUBBER OR OTHER USEFUL PRODUCTS.

14 WE THINK THE BOARD OUGHT TO TAKE A
15 LEADERSHIP ROLE IN TRYING TO MAKE SURE THAT THROUGH
16 EDUCATION PROGRAMS, PROMOTING THESE KINDS OF THINGS,
17 BUT ALSO THROUGH THEIR REGULATORY STANDARDS, TRY TO
18 FIND A WAY OF ENCOURAGING THESE KINDS OF DIRECT ON-SITE
19 REMANUFACTURING OPERATIONS TO GET A TOEHOLD HERE IN
20 CALIFORNIA AND TO GROW AND TO EXPAND.

21 WE BELIEVE THE KIND OF EXCLUSION THAT
22 WE'RE TALKING ABOUT IS MORE AKIN TO A MANUFACTURING
23 PROCESS THAN TO A WASTE TIRE FACILITY PER SE. SO WE'RE
24 LOOKING AT SOME KIND OF CONTINUATION OF A VERY NARROW

25 EXCLUSION FOR TIRE REMANUFACTURING PROCESSES ASSOCIATED

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1 WITH THE INCIDENTAL STORAGE THAT GOES ON NECESSARY TO
2 CONDUCT THAT REMANUFACTURING OPERATION.

3 NOW, WE UNDERSTAND THAT THE STAFF HAS
4 EXPRESSED SOME CONCERN OVER THE STRUCTURE OF THE PUBLIC
5 RESOURCES CODE. THE PUBLIC RESOURCES CODE, AS YOU
6 KNOW, SAYS IN SECTION 42, I THINK IT'S, 808 OR 08,
7 ANYWAY, THAT BASICALLY ANYPLACE WHERE YOU STORE,
8 STOCKPILE, ACCUMULATE OR DISCARD TIRES HAS TO GET
9 EITHER A MAJOR OR MINOR PERMIT. ONE WORD THAT IS
10 INTERESTING THAT'S MISSING FROM THAT IS THE WORD
11 "RECYCLING" OR "MANUFACTURING." SPECIFICALLY IT DOES
12 NOT INCLUDE ACTIVITIES THAT ARE ASSOCIATED WITH
13 RECYCLING. AND WE THINK THIS IS THE KIND OF NARROW
14 BASIS FOR A -- BASIS FOR A VERY NARROW EXCLUSION WHEN
15 THAT ON-SITE REMANUFACTURING OR RECYCLING PROCESS IS
16 OCCURRING.

17 WHY DO WE WANT TO SEE AN EXCLUSION?
18 WELL, WE DON'T OBJECT TO REGULATORY STANDARDS IN
19 REGULATIONS TO BE ASSOCIATED WITH THIS EXCLUSION,
20 WHETHER THAT'S REPORTING, RECORDKEEPING REQUIREMENTS,
21 STORAGE STANDARDS THAT HAVE TO BE MET. WE ARE
22 CONCERNED ABOUT CREATING A PAPERWORK, THE FINANCIAL
23 ASSURANCE REQUIREMENTS, THE DELAYS ASSOCIATED WITH
24 GETTING A PERMIT THAT WOULD FURTHER BURDENSOME THIS

25 INDUSTRY THAT'S TRYING TO GET A TOEHOLD IN
CALIFORNIA.

1 AND WE THINK THAT IF YOU STRUCTURE YOUR EXCLUSION
2 RIGHT, YOU ARE GOING TO ADDRESS THE MAJORITY OF THE
3 PROBLEMS ON THAT LIST OF FACILITIES YOU HAVE CONCERN
4 ABOUT WHILE NOT HAMPERING THE REMANUFACTURING PROCESS.

5 NOW, WHAT KIND OF LANGUAGE ARE WE TALKING
6 ABOUT? I DO HAVE SOME HANDOUTS HERE IF YOU CANNOT SEE
7 ON YOUR SCREEN. I DO WANT TO HIGHLIGHT -- JUST TAKE A
8 MOMENT OR TWO IF I MAY TO HIGHLIGHT THE KIND OF
9 LANGUAGE THAT WE THINK THE BOARD SHOULD CONSIDER
10 PUTTING IN PLACE.

11 I HAVE SENT THIS TO YOU IN MY PREVIOUS
12 MEMO, BUT I JUST WANT TO TAKE A MOMENT OR TWO. WHAT
13 WE'RE TALKING ABOUT IS WHERE WASTE TIRES ARE STORED ON
14 THE PREMISES OF A WASTE TIRE RECYCLING OPERATION, IF
15 YOU WANT TO CALL IT A MANUFACTURING OPERATION. WE'RE
16 NOT WEDDED TO THE LANGUAGE WE'RE PROPOSING HERE, BUT
17 WE'D LIKE TO SIT DOWN AND WORK WITH YOU AND THE STAFF
18 TO COME UP WITH A REASONABLE COMPROMISE THAT
19 FACILITATES THE REMANUFACTURING AND RECYCLING OF TIRES
20 WITHOUT BEING BURDENED WITH A WASTE TIRE FACILITY
21 PERMIT.

22 PARAGRAPH A DIRECTLY FOLLOWING IS THAT
23 YOU HAVE -- YOU WILL RECOGNIZE THIS LANGUAGE FROM
24 SECTION 40. IS IT ON THE SCREEN? -- YOU WILL

RECOGNIZE

25 THE LANGUAGE FROM SECTION 40180 OF THE PUBLIC
RESOURCES

1 CODE, WHICH IS THE DEFINITION OF RECYCLING, AND WE
2 BORROWED SOME OF THAT LANGUAGE. BUT AGAIN, WE'RE
3 WILLING TO SIT DOWN AND TALK TO YOU. WHERE YOU ARE
4 ACTUALLY PRODUCING RAW MATERIALS AND/OR NEW OR REUSED,
5 RECONSTITUTED PRODUCTS AND THEY'RE PRODUCED ON SITE AT
6 THIS PLACE WHERE YOU ARE TEMPORARILY OR INCIDENTALLY
7 STORING THESE TIRES.

8 THE INCIDENTAL STORAGE HAVE TO BE LIMITED
9 TO A SPECIFIC AMOUNT. ORIGINALLY WE SUGGESTED, SAY, 14
10 OR 15 DAYS OF AVERAGE DAILY THROUGHPUT CAPACITY OF THE
11 ACTUAL RECYCLING OPERATION. WE HAVE SINCE REVISED THAT
12 TO 30 DAYS, TO SAY GIVE US 30 DAYS OF OPPORTUNITY TO
13 CREATE TIRES TO BE ABLE TO RESPOND TO MARKET
14 FLUCTUATIONS, BUT REALLY RIGIDLY CONTROL RELATED TO THE
15 THROUGHPUT OF THE ACTUAL RECYCLING OPERATION.

16 THE TIRES HAVE TO BE PROCESSED AND
17 RECYCLED ON SITE. YOU CAN'T SIMPLY STORE THEM FOR
18 OFF-SITE RECYCLING. THE ACTUAL RECYCLING OR
19 REMANUFACTURING PROCESS WOULD HAVE TO OCCUR ON SITE.
20 NOW, WHY DO WE NOT USE A HUNDRED PERCENT? WHY DID WE
21 SAY 90 PERCENT? NINETY PERCENT IS BECAUSE YOU MAY
COME
22 ACROSS A TIRE INCIDENTAL TO THE PROCESSING PROCESS
THAT

23 YOU WANT TO DO SOMETHING ELSE WITH AT AN OFF-SITE
24 OPERATION FOR A HIGHER AND BETTER USE.
25 SO WE'D LIKE TO BE ABLE TO HAVE THAT

1 OPPORTUNITY TO BE ABLE TO DIRECT A SMALL PORTION OF
2 THOSE TIRES AS WE SORT THROUGH THEM TO BE ABLE TO MOVE
3 THEM TO AN OFF-SITE LOCATION.

4 PARAGRAPH D BASICALLY SUGGESTS THAT THE
5 MAJORITY, AGAIN NOT A HUNDRED PERCENT, BUT THE
6 MAJORITY, 90 PERCENT OF ALL TIRES BE STORED IN AN
7 ENCLOSED STRUCTURE IN COMPLIANCE WITH EXISTING SECTION
8 17356 OF TITLE 14. AND BASICALLY THAT MEANS YOU HAVE
9 TO STORE THEM IN ACCORDANCE WITH FIRE AND FPA

STANDARDS

10 TO LIMIT AND RESTRICT THE POSSIBILITY OF PROBLEM
FIRES
11 DEVELOPING.

12 NOW, WE'RE NOT SAYING A HUNDRED
PERCENT

13 ENCLOSED STRUCTURE BECAUSE AS YOU MOVE MATERIALS
FROM

14 THE ENCLOSED STRUCTURE TO THE REMANUFACTURING
15 OPERATION, YOU MAY HAVE A FEW TIRES THAT HAVE TO BE
16 LEFT OUTSIDE IN PROCESS. BUT THOSE WOULD BE
17 INCIDENTAL; AND WHETHER THAT RIGHT NUMBER IS 90
18 PERCENT, 95 PERCENT, 98 PERCENT, WE'RE WILLING TO
SIT

19 DOWN AND TALK TO YOU, BUT BASICALLY THE IDEA IS IF

YOU

20 ARE GOING TO BE ELIGIBLE FOR EXEMPTION, LIKE A
21 MANUFACTURING OPERATION THAT MANUFACTURERS RAW
22 MATERIALS, YOU BRING THE RAW MATERIALS INSIDE, YOU
23 STORE THEM INSIDE, YOU'VE GOT ADEQUATE FIRE
PROTECTION

24 DEVICES TO ENSURE THAT THERE ISN'T A PROBLEM
DEVELOPING

25 THROUGH THAT ON-SITE STORAGE IN ACCORDANCE WITH
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1 ESTABLISHED, ADOPTED REGULATORY STANDARDS.

2 PARAGRAPH E, THE WASTE TIRE RECYCLING
3 WILL HAVE TO MAINTAIN ON-SITE WRITTEN RECORDS
4 DOCUMENTING COMPLIANCE WITH THE EXCLUSION. IF AN
5 INSPECTOR WALKS IN AND SAYS, "I WANT TO SEE YOUR
6 RECORDS DOCUMENTING THE THROUGHPUT, THE AMOUNT OF TIRES
7 YOU HAVE, DOCUMENT THAT YOU ARE IN COMPLIANCE WITH ALL
8 THE LIMITATIONS, THERE SHOULDN'T BE ANY SEARCHING FOR
9 IT. IT SHOULD BE RIGHT THERE, READILY AVAILABLE THE
10 MINUTE IT'S ASKED FOR.

11 AND FINALLY, PARAGRAPH F IS THAT
12 BASICALLY CLARIFYING THAT THESE FACILITIES CAN BE
13 INSPECTED AT ANY POINT IN TIME TO ENSURE COMPLIANCE
14 WITH THE EXCLUSION.

15 NOW, AGAIN, I'M NOT WEDDED TO THIS
16 LANGUAGE. WE WANTED TO SIMPLY PUT IT FORWARD. IF
17 THERE'S OTHER CONDITIONS OR REQUIREMENTS THAT THE
BOARD

18 OR STAFF FEELS ARE APPROPRIATE, IF THERE'S COMMUNITY
19 GROUPS THAT FEEL THERE'S CONCERNS THAT SOMEHOW THIS
IS

20 STILL GOING TO CAUSE A PROBLEM FOR THEM, WE'D BE
HAPPY

21 TO SIT DOWN AND DISCUSS THAT WITH THEM. IT'S JUST

THAT

22 WE BELIEVE THE BOARD'S OBLIGATION, AS INDICATED BY

MR.

23 ROONEY'S COMMITMENT TO PROMOTING THE BENEFICIAL REUSE

24 OF TIRES, THAT YOU OUGHT TO TRY TO EXPLORE WAYS TO

25 MINIMIZE THE REGULATORY BURDEN ON THIS EMERGING

1 INDUSTRY IN CALIFORNIA.

2 I GUESS THE REQUEST THAT I HAVE FOR YOU
3 TODAY IS TO NOT MOVE FORWARD WITH THE PROPOSAL THAT'S
4 BEFORE YOU, BUT TO DIRECT STAFF TO WORK WITH US IN A
5 VERY SHORT-TERM, SHORT-FUSE BASIS TO COME UP WITH SOME
6 LANGUAGE THAT BASICALLY DOES NOT REQUIRE A
7 REMANUFACTURING OPERATION TO GET A WASTE TIRE PERMIT IN
8 ACCORDANCE WITH SOME REASONABLE EXCLUSION AND SOMETHING
9 THAT'S IN ACCORDANCE WITH WHAT WE'RE PROPOSING HERE
10 TODAY. THANK YOU VERY MUCH.

11 CHAIRMAN FRAZEE: LET ME START WITH AT LEAST
12 ONE QUESTION, THAT I'M RELUCTANT TO TALK ABOUT SPECIFIC
13 SITUATIONS, BUT I CAN'T HELP IT IN THIS CASE. THERE
14 WAS THE CONTENTION BY ONE PROCESSOR OF TIRES THAT
15 BALING THE TIRE CREATED RECYCLING AND CREATED A NEW
16 PRODUCT. HOW WOULD THAT FIT INTO YOUR DEFINITION OF
17 RECONSTITUTED PRODUCTS?

18 MR. WHITE: THAT IS NOT THE KIND OF OPERATION
19 THAT WE'RE INTERESTED IN OTHER THAN THERE MAY BE A
20 SMALL PERCENTAGE OF TIRES THAT YOU MAY DECIDE TO BALE
21 AND SEND OFF SITE AS YOU'RE SORTING THROUGH THEM PRIOR
22 TO A MANUFACTURING PROCESS. NINETY PERCENT OF THE TIRE
23 OPERATION THAT WE'RE TALKING ABOUT IS MAKING CRUMB
24 RUBBER, MAKING RUBBER MODIFIED ASPHALT, MAKING

1 TENNIS, BASKETBALL COURT SURFACES, SAFETY MATS, GOLF
2 COURSE MATS, SOIL AMENDMENTS FOR BASEBALL AND FOOTBALL
3 FIELDS. THAT IS THE BULK OF THE REMANUFACTURING
4 OPERATION WE'RE TALKING ABOUT, BUT THERE MAY BE
5 OCCASIONAL BALING OPERATIONS THAT YOU'D WANT TO BE ABLE
6 TO DO BECAUSE YOU MAY FIND A CERTAIN SMALL PERCENTAGE
7 OF YOUR TIRES THAT MIGHT BE MORE AMENABLE TO BALING AND
8 SENDING OFF SITE FOR SOMEBODY ELSE DOING. THAT'S WHY
9 WE HAVE THIS 90-PERCENT FACTOR IN.

10 IF THERE'S CONCERNS THAT OUR LANGUAGE IS
11 TOO BROADLY WORDED, WE'D BE MORE THAN HAPPY TO SIT DOWN
12 WITH YOU. WE'VE BEEN SUGGESTING THIS LANGUAGE FOR THE
13 LAST MONTH, BUT WE HAVEN'T GOT ANY FEEDBACK TO SAY,
14 WELL, SPECIFICALLY I HAVE THIS CONCERN AND CAN WE
15 TIGHTEN THIS LANGUAGE UP HERE. AND THAT'S THE KIND OF
16 PROCESS WE'D LIKE TO ENGAGE IN TO VERY QUICKLY IN A
17 VERY SHORT ORDER IN THE NEXT WEEK OR TWO OR MONTH OR SO
18 TO TRY TO NARROW IT SO IT'S A SPECIFIC EXEMPTION THAT
19 MEETS THE CONCERNS OF THE COMMUNITIES, BUT MEETS ALSO
20 THE CONCERNS OF LEGITIMATE TIRE RECYCLING OPERATIONS.

21 CHAIRMAN FRAZEE: LET ME PURSUE THIS POINT A
22 LITTLE BIT. ESSENTIALLY SOME WORDS THAT WOULD INDICATE
23 THAT IT HAD -- THE TIRES HAD TO CHANGE FORM.

24 MR. WHITE: WE WOULDN'T OBJECT TO THAT AS LONG

25 AS IT WAS 90 PERCENT OF THE TIRES HAD TO CHANGE FORM,
74

1 HAD TO BE REMANUFACTURED, RECONSTITUTED. THERE MAY BE,
2 LIKE I SAY, A CERTAIN PERCENTAGE OF THE TIRES AS WE'RE
3 SORTING THEM, WE MAY SAY, HEY, THIS IS SUITABLE FOR
4 RETREADING, AND WE'RE GOING TO SIMPLY SEND THAT TIRE
5 OFF FOR RETREADING BECAUSE WE CAN GET A HIGHER AND MORE
6 VALUABLE USE FOR IT.

7 CHAIRMAN FRAZEE: AT LEAST IN THE FACILITIES
8 THAT I'VE OBSERVED, THAT SORTING IS DONE PRIOR TO THE
9 TIME THE TIRE REACHES THE FACILITY WHERE IT'S GOING TO
10 BE GROUND OR PROCESSED.

11 MR. WHITE: AND IT MAY OR MAY NOT HAPPEN.

12 CHAIRMAN FRAZEE: GENERALLY IT MAY OR MAY
13 NOT.

14 THE OTHER QUESTION HAS TO DO WITH THE
15 STORED -- THE INDOOR STORAGE. TRYING TO THINK THAT
16 THROUGH. WHY THAT WOULD BE NECESSARY?

17 MR. WHITE: WELL, I MEAN IF --

18 CHAIRMAN FRAZEE: A FIRE INDOORS CAN BE MORE
19 DISASTROUS THAN A FIRE OUTDOORS.

20 MR. WHITE: IF YOU HAVE NFPA STANDARDS FOR THE
21 STORAGE OF TIRES IN ENCLOSED STRUCTURES, AND WE'RE
22 NOT --

23 CHAIRMAN FRAZEE: THAT INCLUDES SPRINKLERS.

24 MR. WHITE: SPRINKLER SYSTEMS AND THE WHOLE
25 THING. ABSOLUTELY HAS TO MEET THOSE STANDARDS FOR

1 ENCLOSED STORAGE. SO, YOU KNOW, THAT'S WHY WE BELIEVE
2 THAT WOULD BE APPROPRIATE. YOU ARE ABLE TO CONTROL
3 VERMIN, VECTORS, THIS -- THESE TYPES OF PROBLEMS MORE
4 EFFECTIVELY IF YOU HAVE AN ENCLOSED STRUCTURE THAN YOU
5 WOULD SIMPLY AN OUTDOOR PILE.

6 MS. RICE: MR. CHAIRMAN AND MEMBERS, I JUST
7 WANTED TO PROVIDE CLARIFICATION OF WHAT THE STAFF WAS
8 PROPOSING TODAY. WE ARE AWARE THAT WE WERE IN AN
9 INFORMAL RULEMAKING PROCESS TO LOOK AT THIS ENTIRE
10 REGULATORY PACKAGE INCLUDING THE EXCLUSIONS AND THE
11 PERMIT REQUIREMENTS, AND THAT IS STILL ONGOING.

12 IN THAT CONTEXT, WE RECEIVED MR. WHITE'S
13 COMMENTS AND IN NO WAY DISCARDED OR DID NOT RESPOND TO
14 THOSE. WE HAD FULLY INTENDED TO INCORPORATE THOSE IN
15 THE RULEMAKING PROCESS.

16 IN -- WHILE WE WERE IN THE MIDST OF THAT
17 PROCESS, IT BECAME INCREASINGLY CLEAR TO ME -- AND I'LL
18 TAKE RESPONSIBILITY FOR THAT AS THE ONE WHO WORKS ON
19 THE ENFORCEMENT ORDERS AND TRIES TO DEAL WITH THESE
20 ISSUES -- THAT IT WAS FOR US VIRTUALLY IMPOSSIBLE TO
21 ENFORCE SOME OF THE EXISTING EXCLUSIONS. SO THAT WAS
22 THE NARROW EMERGENCY THAT WE IDENTIFIED AND BROUGHT TO
23 YOUR ATTENTION TODAY.

24 IN DOING SO, WE IN NO WAY MEANT TO IMPLY
25 THAT THERE SHOULD NOT BE EXCLUSIONS, THAT WE WERE NOT

1 HUNDRED PERCENT WILLING TO WORK WITH MR. WHITE OR ANY
2 OTHER CONSTITUENT TO SEE WHAT THOSE EXCLUSIONS SHOULD
3 BE TO PROMOTE THE RECYCLING INDUSTRY, ETC. WE WERE NOT
4 PRESUMING THAT THE EXISTING EXCLUSIONS MIGHT NOT WORK
5 WITH SOME MODIFICATIONS OR THAT WE MIGHT COME UP WITH
6 NEW ONES. WE WERE JUST IDENTIFYING THAT AT THIS POINT
7 IN TIME, THE LANGUAGE IN CURRENT REGULATION MAKES IT
8 VIRTUALLY IMPOSSIBLE FOR US TO VERIFY WHETHER OR NOT
9 THOSE EXISTING EXCLUSIONS OR SOME OF THEM ARE BEING
10 MET.

11 WE HAVE LESS TROUBLE WITH THE VOLUMETRIC
12 ONES; IN OTHER WORDS, IF THE EXCLUSION IS YOU GET IT IF
13 YOU HAVE UNDER 5,000, WE CAN COUNT. SO THOSE, WE'VE
14 BEEN ABLE TO REVOKE A FEW OF THEM. BUT THESE THAT ARE
15 BASED ON THE TURNOVER RATE, WE HAVE FOUND OURSELVES
16 UNABLE TO ENFORCE, TO DETERMINE WHETHER THEY'RE BEING
17 MET, SO THEY SIMPLY -- WE'RE NOT ABLE TO REVOKE THEM IF
18 THEY SHOULD BE. I'M NOT PRESUMING THEY SHOULD BE. WE
19 CAN'T TELL ONE WAY OR THE OTHER. SO THAT WAS THE
20 EMERGENCY WE IDENTIFIED.

21 BUT WE IN NO WAY MEANT TO DISCOUNT THE
22 GREAT INPUT WE GOT IN THE WORKSHOPS, THE WRITTEN
23 COMMENT THAT WE'RE RECEIVING, AND FULLY INTEND TO
24 ADDRESS ALL OF THOSE ISSUES, NOT TO SAY THAT IT

25 SHOULDN'T BE DISCUSSED TODAY, BUT JUST TO TRY TO
 77

1 EXPLAIN WHY WE BROUGHT THE NARROW ISSUE OF REMOVING
2 SOME OF THE EXISTING EXCLUSIONS THAT WE'RE HAVING SO
3 MUCH TROUBLE WITH IN THE PROGRAM. WE WEREN'T PRESUMING
4 THAT THERE WOULD NOT BE SOMETHING IN ITS PLACE WHEN THE
5 PERMANENT REGULATIONS WERE DISCUSSED BY THIS COMMITTEE.

6 CHAIRMAN FRAZEE: AND THE ISSUE OF TIRE
7 EQUIVALENCY IS PROBABLY ONE THAT DOES NEED TO BE
8 CLEARED UP?

9 MS. RICE: APPARENTLY THAT WAS THE SUBJECT OF
10 COMMENT IN THE WORKSHOPS AND IS INCLUDED IN THE
11 RULEMAKING THAT'S GOING TO BE BROUGHT TO YOU WHENEVER
12 IT'S READY.

13 MR. WHITE: IF I MAY ADD, I UNDERSTAND, AND I
14 CERTAINLY RESPECT EVERYTHING DOROTHY IS SAYING. AND WE
15 FULLY AGREE THAT THERE'S PROBLEMS WITH THE EXISTING
16 TIRE EXCLUSIONS, AND WE'RE NOT TRYING TO SUGGEST IN ANY
17 WAY THAT WE MAINTAIN THE EXISTING EXCLUSIONS AT ALL.
18 WE BELIEVE THEY ARE WAY TOO BROAD AS EVIDENCED BY THE
19 BROAD NUMBER OF FACILITIES THAT SEEM TO BE INCREASINGLY
20 RELYING ON THESE EXCLUSIONS.

21 AT THE SAME TIME, IF YOU DO WHAT YOU
22 SUGGEST IS THAT YOU TAKE AWAY THE EXCLUSIONS PRIOR TO
23 CREATING A NEW MORE REASONABLE EXCLUSION, YOU'VE GOT
24 THIS GAP PERIOD, WHAT DO FACILITIES DO THAT OPERATE IN

25 A REMANUFACTURING OPERATION? DOES IT MEAN WE HAVE TO
78

1 GET A MAJOR TIRE FACILITY PERMIT ONLY TO FIND OUT THAT
2 WHEN THE NEW REGULATIONS COME IN EFFECT, WE CAN BACK
3 THEM OFF AND GET RID OF THEM AGAIN? I MEAN THAT MEANS
4 LIKE REALLY KIND OF A STOP/START TYPE OF PROCESS THAT
5 WE'D LIKE TO TRY TO AVOID.

6 I ALSO UNDERSTAND THE -- DOROTHY'S
7 PROBLEM OF HOW DO YOU GET RID OF THESE CURRENT BAD
8 REGULATIONS NOW AND GET THE NEW BETTER REGULATIONS AT
9 THE SAME TIME IN MORE OF A COORDINATED EFFORT. IT'S A
10 STRUGGLE, AND YOU HAVE MY COMMITMENT TO TRY TO HELP
11 WORK THROUGH THE PROCESS AS MUCH AS WE CAN.

12 MEMBER RELIS: MR. CHAIR, LISTENING TO THIS
13 DISCUSSION RAISES A COUPLE OF QUESTIONS IN MY MIND.
14 FIRST, ON THE EXCLUSION ISSUE, AND I WANT TO HEAR FROM
15 YOU, CHUCK, ON THIS TOO. IF WE WERE TO FOLLOW THE
16 COURSE OF ACTION THAT'S PROPOSED, THE GENTLEMAN -- I
17 FORGET YOUR NAME, SIR -- RAISED THE SPECTER OF
18 CONDITIONAL USE PERMIT REQUIREMENTS AND ALL THAT. SO
19 WE'VE GOT A LOT OF FACILITIES, LET'S JUST SAY A GOOD
20 NUMBER OF THOSE MIGHT BECOME SUBJECT, IF I UNDERSTAND
21 WHAT'S BEEN SAID HERE, TO HAVING TO GO BACK THROUGH A
22 PROCESS OF LOCAL LAND USE APPROVAL. IS THAT TRUE OR
23 NOT?

24 MS. RICE: I'M SURE IT WOULD BE A CASE-BY-CASE

25 SITUATION. WE HAVE IDENTIFIED VERY FEW OF THE EXISTING
 79

1 LIST THAT WOULD REQUIRE A MAJOR WASTE TIRE FACILITY
2 PERMIT TO OUR KNOWLEDGE THAT HAVE OVER 5,000. YOU SAID
3 THE NUMBER WAS SEVEN, CODY, BUT FOR EACH OF THOSE, I
4 ASSUME YOU'D HAVE TO LOOK AT THE SPECIFIC
5 CIRCUMSTANCES.

6 MEMBER RELIS: I HAVE JUST NO FEEL, BUT I DO
7 KNOW IF IT DID DO THAT, YOU WOULD BE TALKING ABOUT SOME
8 POTENTIALLY MAJOR ISSUES. CONDITIONAL USE PERMIT ISN'T
9 THE EASIEST THING TO GET.

10 MS. TOBIAS: WELL, I THINK THAT, AS YOU KNOW,
11 THE ZONING ORDINANCES ARE REALLY PECULIAR TO EVERY CITY
12 AND COUNTY IN THE STATE. AND SO EACH ONE WOULD HAVE TO
13 BE CONSIDERED. IF THEY'RE REALLY THAT DETAILED, THAT
14 THEY ACTUALLY ADDRESS A DIFFERENCE IN USE PERMIT
15 REQUIREMENTS FOR MAJOR AND MINOR PERMITS OR NO PERMITS,
16 THAT'S, IN MY OPINION, FAIRLY SOPHISTICATED THAT
17 THEY'RE AT THAT LEVEL, BUT THERE MAY BE COUNTIES OR
18 CITIES WHO DO THAT.

19 WHAT WOULD HAPPEN IS THAT IF WE CHANGE
20 OUR PROGRAM AND THE ZONING ORDINANCES ARE THAT DETAILED
21 THAT THEY DO ADDRESS THOSE, THE USES WOULD BECOME
22 NONCONFORMING USES, SO THEY WOULD BE ABLE TO STAY THERE
23 FOR A CERTAIN PERIOD OF TIME. EVERY CITY AND COUNTY
24 HAS A DIFFERENT WAY OF AMORTIZING THOSE USES, SO

25 THEY'RE ALLOWED TO STAY THERE FOR A CERTAIN PERIOD OF
 80

1 TIME. DEPENDING ON WHAT THE COUNTY'S ZONING ORDINANCES
2 SAY, THEN SOME ARE REQUIRED EVENTUALLY TO BASICALLY
3 CLEAR OUT. OTHERS ARE ALLOWED TO STAY SO LONG AS THEY
4 DON'T INCREASE THEIR BUSINESS. IF THE BUSINESS BURNS
5 DOWN, THEY ARE NOT ALLOWED TO REPLACE THEM, ETC., ETC.

6 IS THAT RESPONSIVE TO YOUR QUESTION?

7 CHAIRMAN FRAZEE: WELL, LOGIC TELLS ME THAT
8 THE DIFFERENCE BETWEEN 9,000 TIRES ON AN EXCLUDED
9 FACILITY VERSUS 9,000 TIRES ON PERMITTED FACILITY IS
10 NOT GOING TO MAKE ONE IOTA OF DIFFERENCE WITH THE
LOCAL
11 LAND USE PEOPLE.

12 MEMBER RELIS: OKAY. WELL, I'M JUST
13 INTERESTED BECAUSE THE ISSUE GOT RAISED AND I HADN'T
14 THOUGHT OF IT IN THAT TERMS.

15 NOW I WANTED TO ASK CHUCK. NOW, YOU
16 HAVE -- YOU JUST WENT THROUGH A PROCESS, I UNDERSTAND,
17 IN ALAMEDA COUNTY --

18 MR. WHITE: THAT'S CORRECT.

19 MEMBER RELIS: -- TO BUILD A -- TO GET A
PERMIT

20 TO BUILD A CRUMB RUBBER OPERATION.

21 MR. WHITE: THAT'S EXACTLY RIGHT.

22 MEMBER RELIS: NOW, THAT'S A CONDITIONAL USE
23 PERMIT?

24 MR. WHITE: CONDITIONAL USE PERMIT.

25

MEMBER RELIS: OKAY. SO WHAT IS YOUR

CONCERN?

1 LET'S SUPPOSE WE WERE FOLLOW THE COURSE WE WERE ON.
2 WHAT WOULD THAT DO TO THE PERMIT CONSIDERATION THAT
YOU

3 RECEIVED? DO YOU BELIEVE YOU WOULD HAVE TO GO BACK
4 THROUGH A PERMIT PROCESS?

5 MR. WHITE: I DON'T BELIEVE IT WOULD IMPACT
6 THAT. IN OUR CASE, OUR SITUATION --

7 MEMBER RELIS: YOU WOULD HOLD THE PERMIT, AND
8 YOU'D BE ABLE TO GO AHEAD REGARDLESS.

9 MR. WHITE: RIGHT.

10 MEMBER RELIS: SO WHAT, THEN, IS YOUR ISSUE
IF
11 THAT'S THE CASE?

12 MR. WHITE: ISSUE OF ONE PRIMARILY OF SIMPLY
13 THE BURDEN OF REGULATING THIS AS A WASTE TIRE FACILITY
14 RATHER THAN REGULATING IT AS A REMANUFACTURING
15 OPERATION. THERE'S THE ACTUAL PERMITTING PROCESS YOU
16 HAVE TO GO THROUGH. YOU'RE LOCKED INTO PERMIT
17 CONDITIONS PERHAPS. YOU ALSO HAVE FINANCIAL ASSURANCE
18 REQUIREMENTS. THE KIND OF OPERATION WE'RE SUGGESTING
19 WHERE YOU HAVE A QUICK FLOW THROUGH OF MATERIAL AND
20 YOU'RE ACTUALLY ASSOCIATED WITH A MANUFACTURING
21 PROCESS, THERE ISN'T REALLY A NEED FOR THESE THINGS
22 KINDS OF --

23 MEMBER RELIS: WELL, LET ME JUST PURSUE THAT
24 POINT BECAUSE I AGREE. IN A WORLD THAT WORKS, WHICH,

25 YOU KNOW, MOST MANUFACTURING DOES WORK, BUT WE HAVE
HAD

1 OUR SHARE OF MISHAPS IN THIS INDUSTRY. WE'VE HAD
2 COMPANIES OPENED, CRUMB RUBBER COMPANIES THAT LOOKS
3 LIKE INPUT IN, INPUT OUT, AND STORAGE PROBLEMS
4 OCCURRED. SO WHEN YOU SAY, WELL, I'D LIKE 90 PERCENT
5 AND, YOU KNOW, TEN MIGHT BE -- AND 10 PERCENT MIGHT BE
6 BALED, TO ME A MANUFACTURING OPERATION'S CLEAR-CUT.
7 YOU MANUFACTURE A SPECTRUM OF PRODUCTS, AND YOU DON'T
8 HAVE, WELL, I MIGHT DO THIS WITH THAT ONE AND I
9 MIGHT --

10 MR. WHITE: I DISAGREE. I THINK YOU DO. YOU
11 HAVE RAW PRODUCTS USED FOR YOUR MANUFACTURING PROCESS.
12 AS YOU SORT THROUGH THOSE RAW PRODUCTS, YOU SOMETIMES
13 DISCARD A PORTION OF THE RAW PRODUCT, DEPENDING ON AS
14 YOU ARE SETTING UP YOUR MEANS OF PRODUCTION. SO THE
15 PROBLEM IS YOU DON'T HAVE WASTE BOARD REGULATIONS AND
16 PERMITS ON THE UPFRONT OF MOST RAW MATERIAL
17 MANUFACTURING OPERATIONS.

18 MEMBER RELIS: MY CONFIDENCE LEVEL WOULD BE
19 HIGHER IF WE WEREN'T OPERATING WITH THE HISTORY WE DID.
20 HISTORY IS REALITY IN THIS CASE.

21 MR. WHITE: I UNDERSTAND.

22 MEMBER RELIS: SO WHEN WE TALK ABOUT NUANCES
23 THAT MIGHT GIVE A MANUFACTURER FLEXIBILITY, WE HAVE THE
24 HISTORY OF THE PUBLIC HEALTH AND SAFETY CONCERNS. WE
25 HAVE THE HISTORY OF ABANDONED TIRE PILES, SO THAT

1 RAISES THE FINANCIAL ASSURANCE PROBLEM. WE HAVE UNIQUE
2 PUBLIC HEALTH AND SAFETY ISSUES WITH TIRES BURNING THAT
3 WE MIGHT NOT HAVE TO THE SAME DEGREE WITH PAPER BURNING
4 OR SOME OTHER.

5 SO THE WAY WE RESOLVED THAT, IF YOU
6 RECALL, WITH THE COMPOST REGS, AND WE HAD LONG,
7 DRAWN-OUT DISCUSSIONS WHERE WE GOT OUR DEFINITIONS DOWN
8 VERY SPECIFICALLY, WE ATTEMPTED TO MAKE LINKAGES
9 BETWEEN HOW MATERIALS WERE COLLECTED, HOW THEY WERE
10 PROCESSED, HOW THEY CAME TO BE COMPOSTED OR MULCHED,
11 AND SO THERE WAS A CLEAR AND COMPLETE LINE OF ACTIVITY.
12 AND THAT WAS THRASHED OVER.

13 AND WHEN YOU RAISE THE SPECTER, WELL,
14 LET'S DEAL WITH THIS AS A MANUFACTURING ENTITY, THEN
15 YOU HAVE TO GET INTO THOSE VERY SPECIFIC DEFINITIONS
16 AND HAMMER THEM OUT.

17 I, FOR ONE, FAVOR THE IDEA OF
18 MANUFACTURING. I MEAN I WANT TO SEE US GET MORE CRUMB
19 RUBBER FACILITIES. I DON'T WANT TO DO THINGS THAT
20 HAMSTRING THAT BUSINESS FROM BEING OPERATED, BUT THE
21 TIRE BUSINESS IS THIS KIND OF GRAY AREA AT TIMES
22 BETWEEN OUR REGULATORY RESPONSIBILITY AND
23 MANUFACTURING. AND I DON'T THINK THAT'S AS EASY TO
PUT
24 TOGETHER.

25 YOU'VE MADE SOME SUGGESTIONS HERE, AND

1 THINK IT'S A GOOD START, BUT I THINK IT WOULD TAKE A
2 FAIR AMOUNT OF WORK TO NARROW DOWN DEFINITIONS FOR A
3 COMFORT LEVEL. I MEAN THAT'S HOW I FEEL. I DON'T KNOW
4 WHAT OTHER MEMBERS --

5 MR. WHITE: BUT THE PROBLEM YOU HAVE IS YOU GO
6 FORWARD AND REMOVE THE EXCLUSIONS, WHAT DO -- EVEN
7 THOUGH YOU MAY ADOPT THIS A YEAR OR TWO FROM NOW, WHAT
8 DO WE DO IN THE INTERIM IF WE HAVE AN OPERATION THAT
9 LOOKS LIKE THIS? DO WE HAVE TO GET A FULL PERMIT? IF
10 WE CAN FIGURE OUT A SOLUTION TO THAT NUT, I'LL GO AWAY
11 REASONABLY HAPPY. BUT THERE'S GOT TO BE A WAY OF
12 FEATHERING ONE PROCESS INTO ANOTHER THAT DOESN'T CREATE
13 A TEMPORARY REGULATORY BURDEN FOR BONA FIDE
14 REMANUFACTURING PROCESSES.

15 MEMBER JONES: MR. CHAIRMAN, I AGREE. WHAT
16 I'M WORRIED ABOUT HERE IS I LOOK AT -- YOU KNOW, THE
17 EXCLUSIONS MAKE IT EASY FOR THE STAFF TO DO THAT. AND
18 I CAN UNDERSTAND THAT, AND I KNOW THERE'S A LOT OF
19 ABUSES OUT THERE. I UNDERSTAND THAT, BUT THAT -- I
20 THINK WE ALSO HAVE TO LOOK AT, YOU KNOW, HOW DO WE
21 CONTINUE TO PROMOTE TIRE RECYCLING, YOU KNOW? AND I
22 THINK THERE'S A BALANCE IN BETWEEN WHERE ENFORCEMENT
23 AND MARKETING NEED TO BE LOOKED AT.

24 SOME OF THE -- YOU KNOW, SOME OF THE TIRE
25 PILES THAT ARE PART OF THE HISTORY I THINK WERE CREATED

1 WHEN THERE WAS, QUOTE, UNQUOTE, A MARKET FOR PYROLYSIS
2 WHERE EVERYBODY SAID, "WE'RE GOING TO GET ALL THIS GOOD
3 STUFF, SO WE'RE GOING TO STOCKPILE THESE TIRES." AND
4 THEN THAT TECHNOLOGY FIZZLED BECAUSE IT COST MORE TO
5 OPERATE A PLANT THAN YOU COULD GET OUT OF THE MATERIAL.
6 SO I THINK THAT'S WHAT CREATED A LOT OF THESE LEGACY
7 PILES.

8 ONE THING THAT I THINK NEEDS TO BE
9 INCLUDED IN THE DISCUSSION IS LOOKING AT OUR TIRE
10 REGULATIONS RIGHT NOW, WE'RE LOOKING AT FACILITIES THAT
11 ARE PERMITTED BECAUSE THE TIRE HAS NOT -- YOU KNOW, THE
12 STORAGE OF THOSE TIRES HAVE STAYED BASICALLY IN THE
13 SAME FORM THAT THEY WERE WHEN THEY WERE ORIGINALLY
14 MANUFACTURED. I THINK THAT WHEN YOU GO THROUGH A
15 PROCESS, AND AS PART OF THE EXCLUSION YOU SAY TO
16 YOURSELF, OKAY, AND THIS TAKES CARE OF THE BALING
17 ISSUE, I THINK, IS THAT WHAT'S THE ULTIMATE END USE OF
18 THAT TIRE? WHAT IS THE POTENTIAL FOR THE END USE OF
19 THAT TIRE?

20 WHEN IT'S A CRUMB RUBBER FACILITY, THAT
21 TIRE HAS BEEN -- IT'S NO LONGER A TIRE. NOW IT'S CRUMB
22 RUBBER AND IT'S STEEL AND IT'S THOSE TYPES OF
23 PRODUCTS. WHEN IT'S A BALING, AND SIMILAR TO THE ISSUE
24 THAT WE FORWARD WHERE THEY WANTED TO USE THEM IN FIRING

25 RANGES, WE PUT A CONDITION ON THE -- FOR THE USERS THAT
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1 SAID THEY WANTED TO USE THESE BALED TIRES, THAT THEY
2 PROVIDE A FORM OF CLOSURE-POSTCLOSURE IN THE FORM OF A
3 PLEDGE OF REVENUE. AND WE SAID CITY -- CITY HAS GOT TO
4 VOTE ON THIS AND SIGN IT, AND THAT WAS GOING TO BE OUR
5 DISPOSAL.

6 SO WHAT I WOULD LIKE TO SEE HAPPEN IS
7 THIS DISCUSSION -- I THINK IT'S IMPORTANT THAT WE DO
8 TAKE CARE OF THESE EXCLUSIONS. I AM NOT LEANING
9 TOWARDS JUST STOPPING ALL EXCLUSIONS RIGHT NOW. I JUST
10 DON'T FEEL COMFORTABLE THAT WE'VE THOUGHT THIS OUT AS
11 MUCH AS WE NEED TO.

12 WHAT I'D LIKE TO SUGGEST IS THAT WE HAVE
13 A WORKSHOP HERE IN FRONT OF THIS COMMITTEE IN A VERY
14 SHORT TIME FRAME AND BRING SOME OF THESE ISSUES FORWARD
15 BECAUSE I PERSONALLY LIKE THE DISCUSSION WHERE WE'VE
16 GOT 8,000 TIRES ON SITE AND WE'VE SOLD A 132 OF THEM.
17 THAT DOES NOT MEET MY CRITERIA FOR AN EXCLUSION.

18 NOW IF, IN FACT, 4,000 OF THOSE TIRES --
19 OF THOSE 8,000 TIRES GET MOVED ON A REGULAR BASIS,
20 OKAY, AND IT'S A -- THEN MAYBE I THINK WE NEED TO LOOK
21 AT HOW THAT'S GOING TO WORK. BUT I CLEARLY THINK THAT
22 AS LONG AS A FACILITY CHANGES THAT TIRE FROM -- YOU
23 KNOW, WE NEED TO LOOK AT HOW WE PROMOTE THOSE
24 BUSINESSES. AND I THINK PUTTING CLOSURE-POSTCLOSURE

25 FUNDING, WE'RE SAYING THEN THAT WE DON'T THINK TIRE
87

1 MANUFACTURERS ARE GOING TO BE ABLE TO STAY IN
2 BUSINESS. YOU KNOW, WE'RE SAYING WE ARE SO SURE THAT
3 THIS BUSINESS ISN'T GOING TO PROSPER, THAT WE'RE GOING
4 TO PROTECT THE CITIZENS OF THE STATE OF CALIFORNIA BY
5 ASSUMING THAT WHEN YOU SHUT DOWN, WE'VE GOT FUNDING IN
6 PLACE.

7 I DON'T THINK THAT SENDS THE RIGHT
8 MESSAGE. I THINK THAT WE NEED TO DO SOMETHING IN
9 BETWEEN, AND I THINK WE NEED TO HAVE SOMETHING VERY
10 QUICK. I MEAN I DON'T CARE IF IT'S WITHIN THE NEXT 30
11 DAYS TO TALK ABOUT IT, BUT TO INVITE THESE PEOPLE.
12 BECAUSE THE OTHER THING I DON'T LIKE IS THAT THERE'S
13 ONLY FOUR -- I THINK THERE'S ONLY FOUR OR EIGHT WASTE
14 TIRE PEOPLE THAT HAVE, YOU KNOW, HAVE FULLY PERMITTED
15 FACILITIES. THAT'S NOT FAIR TO THEM EITHER, ALTHOUGH
16 IF IT WAS ME, I'D USE IT AS A MARKETING TOOL. SAY I'M
17 THE ONLY GUY THAT'S PERMITTED.

18 SO I THINK THERE'S SOME FAIRNESS ISSUES
19 THERE BECAUSE I DON'T THINK IT'S RIGHT THAT THOSE
20 PEOPLE HAD TO GO THROUGH ALL THE HOOPS, BUT SOMEHOW WE
21 HAVE TO BALANCE THIS DISCUSSION WITH -- I MEAN IF
22 WASTE CAN MAKE CRUMB RUBBER AND HAS AN END USE FOR IT,
23 THEN I WANT TO DO EVERYTHING -- I THINK THIS WHOLE
24 BOARD WANTS TO DO EVERYTHING WE CAN TO PROMOTE THAT

25

WITHOUT CREATING, YOU KNOW, A PROBLEM. AND IF IT'S

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1 UNDER THE FORM OF AN EXCLUSION WITHOUT -- YOU KNOW, I
2 DON'T KNOW HOW WE DO THAT, BUT I'M NOT CONVINCED THAT
3 JUST ELIMINATING ALL THE EXCLUSIONS TODAY AND THEN
4 DEALING WITH THEM IN A REGULATORY PACKAGE DOWN THE ROAD
5 IS NECESSARILY THE RIGHT WAY TO DO IT. I PERSONALLY
6 WOULD LIKE TO SEE THE WORKSHOP IN FRONT OF THIS
7 COMMITTEE WHERE WE CAN HAVE SOME INPUT AND LISTEN TO
8 THE DIFFERENT THINGS THAT ARE BEING SAID AND TRY TO GET
9 AN IDEA BECAUSE I THINK IT'S CRITICAL THAT WE TIE IN
10 WHAT THAT TIRE LOOKS LIKE AT THE END OF THE PROCESS AS
11 A CRITERIA FOR THE EXCLUSION. BECAUSE IF IT'S STRICTLY
12 A WASTE TIRE STORAGE FACILITY, THEN IT NEEDS TO BE
13 PERMITTED, YOU KNOW; BUT IF IT ISN'T, I THINK WE NEED
14 TO PROMOTE IT. IT'S JUST A SUGGESTION, MR. CHAIRMAN.

15 CHAIRMAN FRAZEE: OKAY. ANYTHING ELSE FOR MR.
16 WHITE?

17 MR. WHITE: THANK YOU.

18 CHAIRMAN FRAZEE: LET'S HEAR FROM GEORGE
19 LARSON REPRESENTING LAKIN TIRE. GEORGE, I'M HAPPY YOU
20 ARE HERE BECAUSE THIS IS A FACILITY THAT I HAVE SOME
21 CONCERN ABOUT WHERE IT WOULD FALL IN THE SCHEME OF
22 THINGS.

23 MR. LARSON: WELL, THE FACILITY THAT MR.
24 FRAZEE REFERS TO IS LAKIN TIRE IN SANTA FE SPRINGS.
25 AND I'M HERE OBVIOUSLY REPRESENTING THEM. AND

1 INITIALLY AT THE DECISION TO REPEAL OR REVOKE THE
2 EXCLUSIONS, I HAD VOICED ON THEIR BEHALF AND -- SOME
3 OPPOSITION TO THAT DECISION BASED ON THE FACT THAT IN A
4 FACILITY LIKE LAKIN -- LET ME DESCRIBE IT BRIEFLY.

5 IN 1997 THEY HANDLED OVER 10 MILLION
6 TIRES IN A FACILITY 65,000 SQUARE FEET. NO TIRE
7 REMAINED IN RESIDENCE OVER 72 HOURS. AND IN 25 YEARS
8 OF OPERATION, NO TIRE HAS EVER BEEN PLACED ON A PILE.
9 THERE'S PROBABLY NO FACILITY IN CALIFORNIA THAT LEAST
10 RESEMBLES A TIRE PILE THAN LAKIN.

11 BUT HAVING GIVEN IT SOME ADDITIONAL
12 THOUGHT AND RECOGNIZING THE ISSUES THAT HAVE BEEN
13 RAISED HERE IN THIS COMMITTEE DISCUSSION ABOUT PUBLIC
14 HEALTH AND SAFETY, ENVIRONMENTAL CONCERNS, AND A
15 HISTORY OF OPERATORS OUT THERE WHO, FOR WHATEVER
16 REASON, LEAVE YOU AND THE PEOPLE OF CALIFORNIA HOLDING
17 THE BAG ON THEIR POOR OPERATIONS, LAKIN TODAY HAS
18 CHANGED THEIR POSITION TO A ONE OF SUPPORT FOR THE
19 REPEAL OF THE EXCLUSIONS, RECOGNIZING THAT THERE WILL
20 BE A PROCESS THAT WILL BE UNDERTAKEN THAT WILL PROVIDE
21 ACCOMMODATION FOR GOOD PROJECTS LIKE MR. WHITE
22 REPRESENTS HERE BEFORE YOU AND CERTAINLY LAKIN TIRE.

23 I MEAN WE'RE CLEARLY NOT A TIRE PILE, BUT
24 WE ARE SICK AND TIRED OF PEOPLE USING THIS INDUSTRY TO
25 GAIN SHORT-TERM PROFIT AND LEAVE THE LEGACY FOR THE

1 REST OF US. IT HURTS US WHEN PEOPLE WALK ON A BAD
2 OPERATION THE SAME WAY IT HURTS YOU. AND IN TERMS OF
3 EQUITY, WE FEEL IT WOULD BE APPROPRIATE FOR EVERYBODY
4 TO HAVE TO PLAY BY THE RULES. AND IF IT REQUIRES A
5 PERMIT, WE WANT A PERMIT. WE ALSO WANT FINANCIAL
6 RESPONSIBILITY. ANYBODY WHO PUTS MORE THAN TWO TIRES
7 IN A PILE OUGHT TO DEMONSTRATE TO YOU THE ABILITY TO
8 REMOVE TWO TIRES OR MORE. AND THAT'S NOT CERTAINLY ANY
9 SCIENTIFIC ASSESSMENT OF WHAT CONSTITUTES A TIRE PILE,
10 BUT THESE THINGS HAVE BEEN TOO LOOSE.

11 AND WHILE WE'RE GOOD ACTORS OUT THERE,
12 THERE ARE TOO MANY BAD ACTORS AND WE'RE GOING TO
13 SUPPORT YOU IN ANY WAY POSSIBLE TO CRAFT A REGULATORY
14 SCHEME THAT WILL CURTAIL THAT KIND OF OPERATION.

15 WE'D LIKE TO SUPPORT RECYCLING, DIVERSION
16 TO ANY HIGHER END USE. WE'D LIKE TO SUPPORT ANYTHING
17 BUT A TIRE PILE. WE THINK THAT THAT'S THE LEAST
18 DESIRABLE OPTION. SO WE WILL SUPPORT THE REPEAL OF THE
19 REGULATIONS TODAY AND WOULD WELCOME THE OPPORTUNITY TO
20 BE A PARTICIPANT IN WHATEVER FORUM, WORKSHOPS, ETC.,
21 AND CERTAINLY WILL BE ACTIVE IN PARTICIPATING IN THE
22 REGULATORY DEVELOPMENT OF REGS TO LEVEL THAT PLAYING
23 FIELD. THANK YOU.

24 CHAIRMAN FRAZEE: QUESTIONS OF MR. LARSON? IF

25 NOT, OKAY. THAT DOES COMPLETE THE LIST OF THOSE WHO
 91

1 WISH TO SPEAK. WE HAVE THE ITEM BEFORE US.

2 MEMBER RELIS: MR. CHAIR, LOOKS TO ME LIKE
3 YOU'VE GOT -- OKAY. IF WE WENT AHEAD --

4 MS. TOBIAS: MR. RELIS, EXCUSE ME, MR. CHAIR.
5 CAN I JUST POINT OUT THAT WE DID PASS OUT A LETTER TO
6 YOU FROM BUTTE COUNTY. IT DOES NOT SEEM TO HAVE GOTTEN
7 TO YOUR DESKS THIS MORNING ALTHOUGH OUR COPY FROM LEGAL
8 CAME IN LAST NIGHT. SO THAT'S WHAT WE HAD PASSED OUT.

9 I JUST WANT TO DIRECT YOUR ATTENTION TO
10 IT. IT'S FROM THE LEGAL COUNSEL OR FROM THE CHAIR OF
11 THE BOARD OF SUPERVISORS, BASICALLY EXPRESSING THEIR
12 OPINIONS ON THESE EXCLUSIONS. SO I DID WANT TO BRING
13 THAT TO YOUR ATTENTION AND MAKE SURE IT WAS ENTERED
14 INTO THE RECORD. IF YOU HAVE ANY QUESTIONS, OF COURSE,
15 I'D BE HAPPY TO ANSWER THEM.

16 CHAIRMAN FRAZEE: DO YOU HAVE ANY COMMENT ON
17 THEIR CONTENTION THAT STATUTE DOES NOT PROVIDE FOR THE
18 EXCLUSION?

19 MS. TOBIAS: WELL, IF YOU WILL NOTICE, THE
20 TIRE EXEMPTIONS WERE -- THESE PARTICULAR TIRE
21 EXEMPTIONS WERE IMPLEMENTED BEFORE I CAME INTO THE
22 LEGAL OFFICE. SO I'M NOT SURE WHAT THE RECORD WOULD
23 REFLECT AND WHAT THE THINKING WAS AT THAT TIME IN
24 ADOPTING THOSE EXCLUSIONS. I WILL POINT OUT, THOUGH,
25 THAT THE CASE THAT THEY CITE, THE EPIC OR ENVIRONMENTAL

1 PROTECTION CENTER VERSUS DEPARTMENT OF FORESTRY CASE IN
2 1996 IS AFTER THE ADOPTION OF THOSE REGS ALLOWING THE
3 EXCLUSIONS. AND IT IS THE OPINION OF THE LEGAL OFFICE
4 THAT THAT CASE IS TOTALLY APPLICABLE TO THE SITUATION
5 HERE. SO WE WOULD AGREE WITH THAT PARTICULAR PART OF
6 IT, OF NOT ALLOWING THOSE EXCLUSIONS.

7 CHAIRMAN FRAZEE: AND FOR THE RECORD, THIS IS
8 A LETTER FROM THE CHAIRMAN OF THE BOARD OF SUPERVISORS
9 IN BUTTE COUNTY, MR. FRED DAVIS, DIRECTED TO THE BOARD
10 ON THE ISSUE THAT'S BEFORE US.

11 MEMBER JONES: COULD I ASK A QUESTION OF
12 STAFF?

13 CHAIRMAN FRAZEE: YES.

14 MEMBER JONES: IF THESE -- IF THIS PROPOSED
15 EMERGENCY REVISIONS WENT IN, HOW DO WE DEAL WITH THOSE
16 EXISTING FACILITIES THAT HAVE THIS EXEMPTION? I MEAN
17 WHAT IS THE PROCESS?

18 MS. RICE: ONE THING THAT'S OBVIOUSLY LACKING
19 IN YOUR PACKAGE IN THE EMERGENCY REG PROPOSED TODAY IS
20 EXACTLY THAT. IF THE EXCLUSION IS REVOKED, SOMEONE IS
21 EITHER REQUIRED TO GET A MAJOR OR A MINOR WASTE TIRE
22 FACILITIES PERMIT, WHAT IS THE TIME FRAME THEY'RE
23 ALLOWED? WHAT IS THE REASONABLE PROCESS? BECAUSE
24 CLEARLY YOU WOULDN'T REVOKE THE EXCLUSIONS ON ONE DAY

25 AND THEN, I PRESUME, IMMEDIATELY SUBJECT THEM TO
 93

1 ENFORCEMENT BECAUSE THEY'VE HAD SOMETHING REMOVED THAT
2 THEY DIDN'T KNOW WAS GOING TO BE REMOVED IN THAT QUICK
3 OF A MANNER.

4 SO I'M ASSUMING WE WOULD NEED TO EITHER
5 CRAFT INTO THIS REGULATION OR SOME PROCEDURAL GUIDANCE
6 THAT WE WOULD PROVIDE, I THINK PREFERABLY THE REG
7 ITSELF, A PARAGRAPH THAT WOULD DESCRIBE THE TIME FRAME
8 THAT THE BOARD WANTED TO PROVIDE FOLKS TO OBTAIN A
9 PERMIT IN A REASONABLE TIME FRAME.

10 MEMBER JONES: ONE OTHER ISSUE OR THE OTHER
11 THING THAT I BROUGHT UP BEFORE IS THAT BALANCE BETWEEN,
12 YOU KNOW, PROMOTING THESE LEGITIMATE USES. HOW DO WE
13 DEAL WITH IT? I MEAN, YOU KNOW, WE HAVE ONE RIGHT NOW
14 THAT WE'RE DEALING WITH DOWN IN SOUTHERN CALIFORNIA
15 THAT IS A SUCCESSFUL CRUMB RUBBER PRODUCER. AND I MEAN
16 WE'RE WORKING WITH HIM TO GET A MAJOR TIRE PERMIT
17 BECAUSE OF THE INVENTORY OF TIRES THEY NEED TO -- YOU
18 KNOW, AND THERE'S A LOT OF REASONS WHY YOU DO. I MEAN
19 THEY'RE GETTING PAID A TIP FEE WHICH HELPS RUN THEIR
20 BUSINESS. AND DURING SLOW TIMES OF THE YEAR, THEY'RE
21 GOING TO ACCUMULATE MORE TIRES BECAUSE YOU GOT TO

MAKE

22 PAYROLL, AND THEY'VE GOT AN INVENTORY OF TIRES WHEN,
23 YOU KNOW. HOWEVER, HOW DO WE DEAL WITH THAT.

24 I MEAN THIS BOTHERS ME A LOT AS TO, YOU
25 KNOW, HOW DO WE PROMOTE.

1 MS. RICE: IT BOTHERS STAFF VERY MUCH AS
2 WELL. WE FIND OURSELVES IN A TRUE DILEMMA AND
3 QUANDARY. AND THAT'S ONE OF THE REASONS WE'RE BEFORE
4 YOU TODAY AND NEED TO BRING THE REGS BACK. TODAY MY
5 UNDERSTANDING, BASED ON MY OWN READ AND THE GUIDANCE I
6 GET FROM LEGAL COUNSEL, IS THAT IF YOU DON'T FALL INTO
7 ONE OF THESE EXCLUSIONS, YOU ARE REQUIRED TO GET A
8 PERMIT. THERE IS NO CLEAR-CUT WAY RIGHT NOW FOR US TO
9 IDENTIFY THAT SOMEONE IS A MANUFACTURING FACILITY AND
10 THEREFORE NOT SUBJECT TO ONE OR THE OTHER OF THOSE
11 REQUIREMENTS. SO WHEN WE HAVE ONE OF THESE FACILITIES
12 THAT WE ALL WANT TO PROMOTE, THAT HAD AN EXCLUSION AND
13 WE REVOKE IT BECAUSE THEY NO LONGER MEET THE TERMS,
14 THEY ARE THEN REQUIRED TO OBTAIN THE APPROPRIATE PERMIT
15 BASED ON THEIR SIZE.

16 IS THAT RIGHT? I WOULDN'T JUDGE, BUT
17 THAT IS MY READING AND MY UNDERSTANDING OF THE LAWS AND
18 REGULATIONS I'VE BEEN GIVEN TO IMPLEMENT ON BEHALF OF
19 THIS BOARD.

20 DO I SUPPORT CHANGES TO THAT?
21 ABSOLUTELY. I WANT THESE BUSINESSES TO SUCCEED, SO
22 DOES STAFF AS MUCH AS YOU ALL DO. WHAT WE ARE
23 STRUGGLING WITH IS A REGULATORY FRAMEWORK THAT IS VERY
24 DIFFICULT TO WORK WITH. AND SO REALLY WE ARE HERE

25

BEFORE YOU TODAY IN FRUSTRATION, THAT WE CANNOT

95

1 IMPLEMENT THESE EXCLUSIONS. WE HAVE NO DESIRE TO CLOSE
2 THESE BUSINESSES DOWN, AS I HOPE THEY KNOW, THOSE WHO
3 ARE ACTUALLY MAKING A PRODUCT AND TURNING THESE TIRES
4 INTO SOMETHING OF VALUE TO THE STATE.

5 I HONESTLY DON'T BELIEVE, THOUGH, THAT
6 OUR EXISTING REGULATORY FRAMEWORK SUPPORTS THEM. I
7 REALLY DON'T. I DO NOT SEE IN THE WORDS OF EITHER THE
8 REG OR THE STATUTE THAT THEY DON'T NEED A PERMIT OR
9 SOME AUTHORIZATION FROM THIS BOARD TO OPERATE. MY HOPE
10 WOULD BE, AS MR. WHITE DESCRIBES AND OTHERS, THAT
11 THROUGH THE RULEMAKING PROCESS, WE COULD DESCRIBE THAT,
12 OR WE MAY FIND, BASED ON ADVICE OF COUNSEL AND OTHERS,
13 THAT WE NEED A STATUTORY CHANGE. I HAVE HEARD THAT
14 RAISED AS WELL, THAT THE STATUTE IS REALLY NOT THAT
15 CLEAR AND OTHERS MAY DISAGREE, BUT YOU CAN READ IT BOTH
16 WAYS.

17 SO THIS IS DEFINITELY A QUANDARY; BUT AT
18 THE CURRENT TIME, THE SITUATION WE'RE IN IS WE HAVE NO
19 ABILITY TO DISTINGUISH THE GOOD ACTOR FROM THE BAD.
20 THEY APPLY FOR ONE OF THESE EXCLUSIONS, IF THEY MEET
21 THE LETTER OF THE REG, WE HAVE TO GIVE IT. AND THEN
22 IT'S VIRTUALLY IMPOSSIBLE TO DETERMINE WHEN THEY CEASE
23 TO MEET THOSE REQUIREMENTS, SO WE CANNOT REVOKE IT.

24 AND YOU'VE KNOWN OF SOME OF THOSE

25 FRUSTRATIONS. SO THE GOOD AND THE BAD GET TREATED
 96

1 EQUALLY, AND THAT'S NOT GOOD.

2 MEMBER JONES: I JUST DON'T LIKE THE -- YOU
3 KNOW, WE DON'T HAVE A PLAN. I DON'T KNOW HOW WE KEEP
4 PROMOTING THOSE THINGS.

5 ONE THING THAT MR. WHITE HAD SAID, AND I
6 APOLOGIZE FOR NOT LISTENING TO EVERY WORD THAT HE SAID,
7 WAS -- SORRY, CHUCK. I KNOW YOU CAN'T IMAGINE THAT
8 THAT WOULD HAPPEN. WHEN YOU TALKED ABOUT THE LAW, YOU
9 SAID THAT IT OMITTED THE WORD "RECYCLE." AND I THINK
10 THERE IS SOME VALIDITY TO THAT BECAUSE I THINK THAT
11 THESE REGS CAME ALONG AT A TIME WHERE WE HAD BIG TIRE
12 PILES, AND THEY WERE LOOKED AT AS LANDFILLS TYPE OF
13 THINGS, AND THAT'S HOW THEY WERE TREATED.

14 AND I'M WONDERING WHAT -- YOU KNOW, HOW
15 DO WE INTERPRET THAT THAT, IN FACT -- I MEAN THE FACT
16 THAT RECYCLE ISN'T PART OF THE VERBIAGE TO ME SUGGESTS
17 THAT WAS IT OMITTED FOR A REASON, TO PROMOTE THE
18 MANUFACTURING OF THOSE ISSUES.

19 MS. RICE: COUPLE OF THINGS THAT MUDDY THAT
20 AND MAKE IT DIFFICULT FOR STAFF TO DETERMINE, AND
21 COUNSEL MAY WANT TO ELABORATE, BUT A FEW YEARS AGO THE
22 CEMENT KILN OPERATORS WERE SUCCESSFUL IN GETTING A
23 STATUTORY CHANGE WHICH PROVIDED THEM A SPECIFIC
24 EXEMPTION IN STATUTE FOR THEIR FEEDSTOCK ON THE

25 GROUND. TO MANY THAT IMPLIED THAT THEY NEEDED TO GET

97

GROUND. TO MANY THAT IMPLIED THAT THEY NEEDED TO GET
97

1 THAT STATUTORY EXEMPTION, THAT THEY COULD HAVE NOT HAVE
2 WORKED WITH OUR REGULATORY FRAMEWORK TO GET AN
3 EXCLUSION AS THE TYPE OF FACILITY THAT USED THE TIRES
4 AS A FEEDSTOCK RATHER THAN A STOCKPILE. SO THINGS LIKE
5 THAT OVER THE YEARS HAVE TENDED TO GIVE US THE
6 IMPRESSION THAT IF YOU WANT TO BE EXCLUDED OR OUT OF
7 THIS LAW, WE NEED TO FIND SOME STATUTORY ABILITY TO DO
8 THAT.

9 AND I'M SURE THE BOARD MANY YEARS AGO IN
10 GOING THROUGH THE REGULATIONS DID THAT KIND OF EXERCISE
11 AND CAME UP WITH THE EXCLUSIONS THAT WE HAVE TODAY. WE
12 CAN CRITICIZE THEM TODAY, BUT I'M SURE THEY WERE BASED
13 ON A LOT OF DEBATE AND SOUND REASONING AT THE TIME.
14 IT'S JUST THAT YOU FIND THAT THINGS DON'T ALWAYS WORK,
15 SO WE WOULD HOPE -- WE WOULD ANALYZE EVERYTHING THAT
16 MR. WHITE HAS SUBMITTED AND OTHERS AND ADD IT TO THE
17 ISSUES THAT WE'RE LOOKING AT TODAY TO DETERMINE HOW TO
18 CRAFT EXCLUSIONS THAT WORK AND SUPPORT THE ASPECTS OF
19 THIS INDUSTRY YOU WANT TO SUPPORT AND ENABLE US TO PUT
20 STANDARDS ON THOSE THAT REALLY ARE STOCKPILES.

21 THE OTHER THING THAT THE CEMENT KILN
22 FOLKS GOT IN THEIR STATUTE IS EVEN THOUGH THEY ARE
23 EXCLUDED, THEY'RE REQUIRED TO MEET STORAGE STANDARDS,
24 WHICH IS SOMETHING THAT THESE EXCLUSIONS -- WE DON'T

25 HAVE THE ABILITY TO PUT THAT ON ANY OF THESE EXCLUDED
 98

1 FACILITIES TODAY, WHICH IN MY MIND IS NOT A VERY GOOD
2 REGULATION.

3 SO AT A MINIMUM, I HAVE A COUPLE OF
4 CONCERNS THAT IF THIS EMERGENCY REG DOESN'T MOVE
5 FORWARD, AND I FULLY UNDERSTAND THAT IF IT DOESN'T, YOU
6 KNOW, AS I SAY, WE KIND OF BROUGHT THIS FORWARD IN
7 FRUSTRATION AS STAFF, THE ISSUANCE OF ANY NEW ONES,
8 THAT'S SORT OF PROBLEMATIC WHEN WE ALREADY KNOW THAT
9 THE CURRENT FRAMEWORK DOESN'T WORK, SO YOU COULD
10 SEPARATE THE ISSUE THERE. RATHER THAN TAKING AWAY
11 EVERYONE'S EXISTING RIGHT, LOOK AT WHAT DO WE DO ABOUT
12 THOSE THAT I HAVE ON MY DESK TODAY, FOLKS WHO WANT AN
13 EXCLUSION AND WE ALREADY KNOW THEY'RE NOT GOING TO
14 WORK? THAT MIGHT BE AN IMPORTANT ISSUE TO ADDRESS.

15 THE OTHER IS STANDARDS THAT YOU COULD
16 THROUGH EMERGENCY REGS SIMPLY IMPOSE STANDARDS ON ALL
17 THE EXCLUDED FACILITIES, NOT TAKE AWAY THEIR EXCLUSION,
18 BUT JUST THROUGH ONE SIMPLE LINE IN A REGULATION, WE
19 COULD HAVE THE ABILITY TO HOLD THOSE TO, SAY, STORAGE
20 STANDARDS BECAUSE SOME ARE NOT.

21 MEMBER JONES: DO WE HAVE THAT ONE SIMPLE LINE
22 IN THESE --

23 MS. RICE: IT'S IN THE PROPOSAL BEFORE YOU
24 TODAY.

25

MS. TOBIAS: MAY I ADD, MR. CHAIR, TOO, THAT
99

1 THE FLIP SIDE OF EXEMPTIONS OR EXCLUSIONS IS
2 PERMITTING. AND ONE OF THE OTHER WAYS TO DEAL WITH
3 THIS IS IN THE REGULAR COURSE OF EVENTS, AS WE GO
4 THROUGH THIS IN THE TIERING, IS TO TIER SOME OF THE
5 TIRE PERMITS AND TO BASICALLY MORE CAREFULLY DESIGN THE
6 MAJOR AND MINOR PERMITS TO DEAL WITH FACILITIES AND THE
7 SEPARATE PROBLEMS OR SITUATIONS THAT THEY MAY
8 ENCOUNTER. AND I DO THINK THAT THE STATUTE DOES
9 PROVIDE SOME LEEWAY TO DO THAT, SO THAT MIGHT BE THE
10 OTHER WAY OF ADDRESSING THIS IS TO SAY, YOU KNOW, JUST
11 LIKE THE TIERING WHERE WE HAVE LESSER REQUIREMENTS FOR
12 PEOPLE WHO MEET CERTAIN CONDITIONS, YOU STILL MAY BE
13 ABLE TO DO THAT. YOU JUST ARE NOT GOING TO HAVE AN
14 EXEMPTION THAT TAKES YOU COMPLETELY OUT OF THE SYSTEM
15 AND ARE THINGS THAT WE CAN'T ENFORCE. SO THAT WOULD BE
16 ANOTHER WAY OF ADDRESSING IT.

17 MEMBER RELIS: I'M A LITTLE BIT CONFUSED
18 BECAUSE -- OKAY. IF YOU -- IF WE ADOPTED STAFF
19 RECOMMENDATION TODAY, RULEMAKING PROCEEDS, YOU ARE
20 SAYING, THOUGH, THAT THERE'S A TIME IN THE RULEMAKING
21 PROCESS FOR CLARIFYING WHAT WOULD HAPPEN ON A TIME
22 FRAME TO GET A PERMIT. BUT THEN I HEARD STEVE SAY,
23 WELL, MAYBE WE -- THE SUGGESTION WOULD BE COMMITTEE
24 COULD HAVE A WORKSHOP, AND YOU COULD DECIDE AT THAT

25 POINT, THE COMMITTEE COULD DECIDE, WELL, GEE, THIS IS
 100

1 GOING NOWHERE OR THIS IS OPENING UP SOME AVENUES THAT
2 WE HADN'T CONSIDERED, AND THEN INITIATING THE
3 RULEMAKING. IT SEEMS TO ME THAT THAT'S THE CHOICE
4 BEFORE US.

5 MS. RICE: LET ME CLARIFY. THE EMERGENCY REG
6 THAT WE HAVE BEFORE YOU TODAY LACKS A PROCEDURE FOR
7 WHAT WOULD BE THE TIME FRAME FOR OBTAINING A PERMIT.
8 IF YOU WERE INTERESTED IN APPROVING THE EMERGENCY
9 REGULATION, I THINK THAT SHOULD BE ADDED IN FOR YOUR
10 CONSIDERATION OF IT. IF, ON THE OTHER HAND, YOU DON'T
11 WANT TO CONSIDER THESE EMERGENCY REGULATIONS AT THIS
12 TIME, WE DO HAVE THE PERMANENT RULEMAKING PROCEEDING.
13 AND, AS MR. JONES SUGGESTED, YOU COULD DO WORKSHOPS OR
14 ANY OTHER FORUMS TO PROVIDE INPUT TO THAT.

15 SO THERE REALLY ARE TWO TRACKS, THE
16 EMERGENCY REG, WHICH I THINK STILL NEEDS A LITTLE BIT
17 OF WORK, AND WE COULD BRING THAT TO THE BOARD MEETING
18 OR NEXT MONTH IF THERE'S INTEREST IN THAT. IF THERE IS
19 NOT, WE WOULD PROCEED WITH TRYING TO DEAL WITH THESE
20 ISSUES IN THE LONG-TERM RULEMAKING. AND IF THAT IS
21 YOUR DIRECTION, I WOULD BE SEEKING DIRECTION ON STAFF
22 ABOUT WHAT TO DO ABOUT THE EXISTING REQUESTS FOR
23 ADDITIONAL EXCLUSIONS.

24 MS. TOBIAS: THE PROCEDURE THAT WE'RE TALKING

25

ABOUT WOULD SIMPLY SAY SOMETHING TO THE EFFECT THAT FOR
101

1 FACILITIES THAT NOW HAVE ONE OF THESE EXCLUSIONS, THAT,
2 YOU KNOW, YOU SHOULD STOP TAKING TIRES IMMEDIATELY,
3 THAT WITHIN 30 DAYS, 60 DAYS, WHATEVER IS A REASONABLE
4 TIME, THAT YOU WOULD BASICALLY TELL US WHAT YOU WERE
5 GOING TO DO ABOUT IT, OR SUBMIT YOUR APPLICATION TO GET
6 A PERMIT TO COME UNDER OUR STATUTES AND REGULATIONS.
7 THEN AT THAT TIME GIVE THEM ANOTHER PERIOD OF TIME IN
8 WHICH TO SEEK THE PERMIT, WHATEVER STAFF THINKS IS
9 REASONABLE, SIX MONTHS, WHATEVER.

10 AND THEN AT THAT TIME FOR FACILITIES THAT
11 DO NOT TURN IN AN APPLICATION, THEY WOULD BE SUBJECT TO
12 ENFORCEMENT AT THE TIME. FOR FACILITIES THAT SOUGHT AN
13 APPLICATION AND DID NOT RECEIVE A PERMIT, THEY WOULD BE
14 SUBJECT AT THAT TIME. THEN FOR THOSE, OF COURSE, WHO
15 SOUGHT AND RECEIVED AN APPLICATION, THEY WOULD BE
16 OPERATING UNDER A PERMIT SYSTEM. AND ALL OF THOSE
17 WOULD BE REASONABLE TIME FRAMES WHICH WE COULD BRING
18 BACK VERY EASILY TO THE BOARD MEETING OR, AS DOROTHY
19 SAID, NEXT COMMITTEE MEETING.

20 CHAIRMAN FRAZEE: ONE QUESTION ON THAT THOUGH.
21 YOU SAID IF WE ENACT THIS EMERGENCY REGULATION, THAT
22 THOSE NONCOMPLYING FACILITIES WOULD HAVE TO CEASE
23 TAKING TIRES. THAT BOTHERS ME. THAT PUTS A LOT OF
24 PEOPLE OUT OF BUSINESS.

25

MS. TOBIAS: WELL, ESSENTIALLY IF YOU DON'T
102

1 HAVE AN EXCLUSION -- YOU KNOW, YOU COULD REALLY DO IT
2 ANY WAY. I THINK IF YOU ARE DEALING WITH THE FACT THAT
3 IF THEY ARE GOING TO COME IN AND MAKE A -- ONE OF THE
4 WAYS YOU COULD DO IT IS TO SAY THAT ANYONE WHO PUTS IN
5 AN APPLICATION CAN CONTINUE IN BUSINESS UNTIL SUCH TIME
6 AS THEIR PERMIT IS HEARD.

7 CHAIRMAN FRAZEE: THAT WOULD BE MORE
8 REASONABLE.

9 MS. TOBIAS: I WAS REALLY THINKING OF THE
10 PEOPLE WHO WERE NOT GOING TO COME IN AND MAKE
11 APPLICATION WHEN I SAID THAT.

12 MEMBER JONES: CAN I ASK ONE QUESTION, MR.
13 CHAIRMAN? ONE OF THE THINGS THAT YOU AS A STAFF
HAVE

14 TO DO IS THAT ANY -- YOU'VE GOT TO NOTIFY ANYBODY
THAT

15 HAULS TIRES AS TO THOSE FACILITIES THAT ARE NOT
16 PERMITTED, RIGHT? SO IF WE WERE TO GO THROUGH THIS
17 PROCESS, DO YOU NOTIFY EVERY WASTE TIRE HAULER AND
SAY

18 THESE PEOPLE NO LONGER HAVE EXCLUSIONS? THESE ARE
THE

19 ONLY FOUR PEOPLE THAT NOW CAN TAKE TIRES UNDER LAW.

20 MS. RICE: WE HAVEN'T ROUTINELY DONE THAT.

21 MEMBER JONES: WE HAVEN'T?

22 MS. RICE: WE HAVE NOT. FOR THE VERY

REASONS

23 THAT YOU ASKED, MR. JONES, ABOUT HOW WE FEEL ABOUT

24 CERTAIN ASPECTS OF THIS PROGRAM. IF YOU HAVE A

CRUMB

25 RUBBER PRODUCER AND YOU KNOW THAT THOSE PHONE CALLS

1 WOULD PUT HIM OUT OF BUSINESS, IF SOMEONE ASKS ME A
2 DIRECT QUESTION, I ALWAYS TELL THE TRUTH, YES, THIS
3 PERSON DOES NOT HAVE AN EXCLUSION OR A PERMIT, BUT WE
4 HAVE NOT PROACTIVELY SEARCHED OUT THESE FOLKS, WHICH
IS

5 WHY I SAY AGAIN WE HAVE A REGULATORY STRUCTURE THAT IS
6 VERY DIFFICULT TO WORK WITHIN.

7 MEMBER JONES: RIGHT. OKAY. I THOUGHT
8 SOMETIMES WE DID HAVE TO NOTIFY PEOPLE. IT SEEMS TO
ME

9 LIKE THAT'S COME UP IN TESTIMONY. I DON'T KNOW IF
IT'S

10 TRUE OR NOT. BUT I WORRY ABOUT THAT BECAUSE THEN WE
11 END UP WITH FOUR FACILITIES IN THE STATE THAT ARE
12 PERMITTED. AND I THINK WE SHUT THE GATES ON ONE OF
13 THEM, DIDN'T WE?

14 MS. SMALL: I DON'T KNOW IF THIS WOULD BE
15 HELPFUL IN THIS DISCUSSION OR NOT, BUT WHEN DOROTHY
DID

16 HER LITANY OF WHO IS EXCLUDED AT THIS POINT, I BELIEVE
17 SHE SAID THAT APPROXIMATELY 70 OUT OF 80 WOULD BE
MINOR

18 WASTE TIRE FACILITY PERMITS. SO THE MINOR WASTE TIRE
19 FACILITY PERMITS DOES NOT REQUIRE FINANCIAL ASSURANCE
20 OR OPERATING INSURANCE. WHAT THAT REQUIRES IS THAT
21 THEY COME INTO COMPLIANCE WITH OUR TECHNICAL

STANDARDS.

22 IT'S NOT A BIG BURDEN COMPARED TO THE HEALTH AND
SAFETY

23 REQUIREMENT, AND THAT REALLY DOESN'T COST THEM
ANYTHING

24 OTHER THAN TO GET APPROPRIATE FIRE, WHICH I THINK IS
AN

25 APPROPRIATE COST FOR A BUSINESS LIKE THAT.

1 SO WE'RE NOT REALLY TALKING ABOUT A HUGE
2 BURDEN ON THE MAJORITY OF THESE FOLKS. WE'RE TALKING
3 ABOUT GETTING INTO A TECHNICAL STANDARD THAT PROTECTS
4 HEALTH AND SAFETY.

5 MEMBER JONES: I HAVE NO PROBLEMS WITH THAT.
6 I THINK ONE THING THAT WE SOMETIMES OVERLOOK IS THAT
7 WE'RE NOT DEALING WITH THE MOST SOPHISTICATED OF
8 CONSTITUENTS ON SOME OF THESE ISSUES. AND THE FACT
9 THAT NOW NEW STANDARDS ARE SET FORWARD TAKES THEM A
10 TIME TO DIGEST THOSE THINGS. AND WHAT I WORRY ABOUT
11 IS
12 THE TIME. I DON'T HAVE A PROBLEM -- I MEAN DON'T
13 MISUNDERSTAND WHAT I'M SAYING. I DO NOT HAVE A
14 PROBLEM

15 WITH HAVING EVERY FACILITY OUT THERE IN THE PROPER
16 PERMIT TIER. I JUST HAVE A PROBLEM WITH DOING IT ON
17 ONE DAY WHEN WE DON'T HAVE A PLAN AS TO HOW WE'RE
18 GOING
19 TO GET TO STEP TWO. THAT IS WHERE MY CONCERN IS.

20 AND I STILL HAVEN'T HEARD THOSE THINGS,
21 SO I'M JUST -- I'M TRYING -- I LIKE THIS FORUM BECAUSE
22 IT WILL THROW IDEAS AROUND, AND MY SUGGESTION WAS IF
23 WE
24 DID A WORKSHOP, WE COULD HEAR THOSE THINGS. IT

21 WOULDN'T BE -- I'M NOT ASKING FOR A WORKSHOP TO
22 CONVINCE ME TO GIVE THESE FACILITIES MORE EXCLUSIONS.
23 THAT'S NOT -- BUT I THINK WE NEED TO DETERMINE HOW
THIS
24 PROCESS MOVES FORWARD BECAUSE, YOU KNOW, I DON'T WANT
25 TO SEE US PUTTING PEOPLE OUT OF BUSINESS. THERE'S
SOME

1 THAT I PROBABLY WOULDN'T MIND IF THEY WERE OUT OF
2 BUSINESS, BUT THEY'RE GOING TO HAVE TO DO THAT
3 THEMSELVES, YOU KNOW. I JUST WANT MAKE SURE WE DO IT
4 FAIRLY.

5 MS. RICE: WE'D BE VERY HAPPY TO RETURN TO
6 AGAIN EITHER THE BOARD MEETING OR NEXT MONTH'S
7 COMMITTEE MEETING WITH SUGGESTED LANGUAGE AND GET THAT
8 OUT TO INTERESTED PARTIES SO THAT YOU COULD HAVE THE
9 FORUM OF FOLKS COMING AND COMMENTING ON OUR PROPOSED
10 PROCESS LANGUAGE THAT WOULD COMPLEMENT THIS PROPOSED
11 EMERGENCY REG.

12 CHAIRMAN FRAZEE: LET ME GO BACK TO THE BASICS
13 HERE FOR A MOMENT AND CLEARLY UNDERSTAND THE NATURE OF
14 MR. COFER'S EXEMPTION. HE, BY HIS OWN ADMISSION, HAS
15 MORE THAN 5,000 TIRES, SO HIS EXEMPTION IS NOT FOR A
16 MINOR. IT'S THE EXEMPTION, THE RECYCLING EXEMPTION?

17 MS. RICE: THAT'S CORRECT, ISN'T IT, CODY?
18 THE ONE THAT WE HAVE DESCRIBED IN THE ITEM AS A
19 RECYCLING BUSINESS.

20 CHAIRMAN FRAZEE: AND THAT ONE INDICATES THAT
21 THE TURNOVER RATE IS 90 PERCENT OR GREATER IN A 150-
22 DAY
23 PERIOD. AND THAT'S THE ONE YOU ARE HAVING DIFFICULTY
24 PUTTING A HANDLE ON?

25 MS. RICE: I DON'T KNOW IF CODY WANTS TO GO
26 INTO ANY DETAIL, BUT WE HAVE WORKED COOPERATIVELY,

IT'S

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1 MY UNDERSTANDING, WITH MR. COFER, AND HE'S SUBMITTED A
2 LOT OF PAPERWORK TO US. AND HAVE TO ACKNOWLEDGE THAT.
3 IN REVIEWING THAT PAPERWORK, IT'S NOT POSSIBLE FOR US
4 TO DETERMINE WHETHER HE'S IN VIOLATION OF THIS, SO HIS
5 EXCLUSION STANDS.

6 MR. BEGLEY: BASICALLY WE WENT TO THE SITE,
7 MET WITH MR. COFER, BOTH SITES ACTUALLY. HE SUBMITTED
8 HIS COPIES OF HIS MANIFEST TO US, WHICH I REVIEWED.
9 BASED ON THAT REVIEW, IT'S INCONCLUSIVE WHETHER HE'S
10 MOVING THE TIRES OR NOT. BASICALLY I SENT A LETTER TO
11 HIM SAYING HIS EXCLUSION REMAINS IN EFFECT AT THIS TIME
12 BECAUSE WE CAN'T PROVE THAT IT'S NOT IN EFFECT.

13 I'VE LOOKED AT IT, MY STAFF, WE MADE A
14 SITE VISIT, WE COUNTED THE TIRES, AND WE STILL DON'T
15 KNOW.

16 MR. CHANDLER: BUT, CODY, IF IT'S WEIGHED IN
17 AND WEIGHED OUT, WHY DOESN'T THE MATH WORK?

18 MR. BEGLEY: WE HAVE NUMBERS OF TIRES GOING IN
19 AND POUNDS GOING OUT AND THIS KIND OF THING. AND TO
20 SIT DOWN AND TRY TO FIGURE OUT --

21 MR. CHANDLER: SO IF IT'S NUMBERS OF TIRES, IF
22 HE COUNTS ONE EARTHMOVER TIRE AS A TIRE, IT GETS
23 VERY -- 2,000 POUNDS, IT GETS VERY CONFUSING AS TO HOW
24 MANY TIRES REALLY CAME IN. IT'S NOT CONVERTED INTO

25 PASSENGER TIRE EQUIVALENTS, SO OUR NUMBERS ARE
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1 ALL --

2 MS. RICE: AND BASED ON THE WAY THE REGULATION
3 IS WRITTEN, WE HAVE TO KNOW WHAT TIRE ARRIVED ON WHAT
4 DAY BECAUSE IT'S BASED ON ARE THEY ON THE SITE SO MANY
5 DAYS, WHICH IS OBVIOUSLY A VERY DIFFICULT THING TO DO.
6 MY ADDITIONAL UNDERSTANDING IS THAT MR. COFER HAS A
7 COUPLE OF SITES, AND TIRES MAY MOVE BETWEEN THE SITES,
8 WHICH MAKES IT -- AGAIN, COMPOUNDS THE DIFFICULTY OF
9 DETERMINING WHERE THE TIRES WENT.

10 MR. BEGLEY: IT'S A LITTLE BIT CONFUSING IN
11 THE MANIFEST SYSTEM BECAUSE WE HAVE POUNDS, CUBIC
12 YARDS, AND NUMBER OF TIRES. NOW, IF YOU ARE GOING TO
13 USE NUMBER OF TIRES CONSISTENTLY, THAT'S FINE. IF YOU
14 ARE SHIPPING IN CUBIC YARDS AND OUT POUNDS AND IN TIRES
15 THE NEXT WEEK, THE NUMBER OF TIRES, AND OUT POUNDS THE
16 NEXT WEEK, UNLESS YOU'VE GOT A CHART TO FIGURE OUT WHAT
17 YOU'RE TALKING ABOUT, I MEAN ONE TIRE, IS IT A 2,000
18 POUND TIRE, IS IT A WHEELBARROW TIRE. WE SAW ALL THESE
19 DIFFERENT KINDS OF TIRES.

20 AND THIS CAME UP IN THE WORKSHOPS IS OUR
21 STAFF GO ON SITE. WE HAVE A SITUATION WHERE MR. FRAZEE
22 AND I MET WITH A PERSON -- A PROPERTY OWNER WHO WAS
23 COMPLAINING AND MR. PENNINGTON. THEY'VE GOT 4,000
24 EARTHMOVER TIRES. WELL, IF YOU GO BY THE NUMBER OF
25 TIRES, THAT'S A MINOR PERMIT, BUT IT'S EXCLUDED
BECAUSE

1 HE, QUOTE, TURNS THEM OVER, AND YET WHERE IS HE TAKING
2 THESE TIRES? SO REALLY HE SHOULD BE A MAJOR FACILITY
3 IF, WHEN WE GET DONE WITH THE REGULATIONS, WE LOOK AT
4 TIRE EQUIVALENTS RATHER THAN THE NUMBER OF TIRES.

5 AND THIS IS THE DILEMMA WE'RE IN. WE'RE
6 JUST -- YOU GO OUT ON SITE, WE DON'T EVEN KNOW WHAT WE
7 HAVE THERE. WE CAN'T VERIFY IT. IT'S AN IMPOSSIBLE
8 SITUATION. I'M NOT SURE. IT'S GOING TO TAKE SOME TIME
9 TO ADDRESS ALL THESE ISSUES, BUT THIS IS THE DILEMMA
10 THAT WE'RE IN.

11 MR. COFER: MOST OF THE MANIFESTS THAT WERE
12 TURNED IN WERE DATED. AND, YOU KNOW, I ONLY -- WE HAVE
13 THE REGULAR -- WE KNOW BY POUNDAGE AND EVERYTHING. AND
14 THEY WERE ALL IN COMPLIANCE. I DON'T UNDERSTAND THE
15 CONFUSION.

16 WE KNOW A CAR TIRE WEIGHS 20 POUNDS,
17 TRUCK TIRE WEIGHS ROUGHLY A HUNDRED. I KNOW THERE'S A
18 PROBLEM IN THE EARTHMOVER SIDE. AND LIKE I STRESSED
19 EARLIER, I THINK THAT DOES NEED TO BE ADDRESSED, AND
20 I'M WILLING TO WORK WITH YOU IN THAT.

21 MR. BEGLEY: WELL, THE POINT I WANTED TO MAKE
22 IS, KIRK, THAT LOOKING AT THE MANIFEST OF POUNDS AND
23 TRYING TO RELATE THAT TO TIRE SIZES, WE HAVE NO CHART
24 TO DO THAT. WE -- NO ONE HAS AGREED A TIRE WEIGHS A

25 CERTAIN AMOUNT A DIFFERENT TIRE AND THAT WE HAVE THAT
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1 EQUIVALENT TO LOOK AT ON THE MANIFEST. THAT WAS MY
2 POINT.

3 CHAIRMAN FRAZEE: WELL I, FOR ONE, WOULD -- I
4 WOULD LIKE TO SEE US MOVE AHEAD WITH THE SUGGESTION OF
5 THE EMERGENCY REGULATIONS, BUT I DO THINK THEY NEED
6 SOME MORE WORK, PARTICULARLY IN THIS AREA THAT MR.
7 WHITE BROUGHT UP OF THE MANUFACTURING EXCLUSION. BUT
8 BEYOND THAT, I'M COMFORTABLE WITH THEM.

9 MR. CHANDLER: WOULD IT BE APPROPRIATE PERHAPS
10 FOR STAFF TO ATTEMPT TO BRING BACK TO THE BOARD MEETING
11 MORE DEFINITION ON HOW WE WOULD PROCEED OR WHAT PROCESS
12 WE WOULD FOLLOW; AND IF AT THAT TIME THE FULL BOARD
13 WANTS TO TAKE ACTION, THEY COULD. IF THEY WANT TO THEN
14 MOVE INTO A WORKSHOP SETTING BECAUSE THERE'S STILL
15 QUESTIONS THAT REMAIN, THEN THEY COULD.

16 BUT I THINK ONE OPTION WOULD BE TO, IF
17 WE'RE LOOKING AT POTENTIALLY MOVING THIS TO THE BOARD
18 UNDER A STAFF RECOMMENDATION, THAT WE ATTEMPT TO TRY TO
19 BRING YOU MORE SPECIFICITY ABOUT HOW WE WOULD BEGIN TO
20 IMPLEMENT THE EMERGENCY -- DOROTHY'S SUGGESTION IS A
21 GOOD ONE.

22 CHAIRMAN FRAZEE: THE OTHER PROBLEM WITH THIS
23 IS THAT TIME IS OF THE ESSENCE. I THINK DOROTHY
24 POINTED OUT THAT SHE'S FACED WITH THESE PERMIT OR

25 EXCLUSION APPLICATIONS COMING IN; AND UNDER THE CURRENT
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1 STANDARD, SHE HAS NO CHOICE BUT TO APPROVE THOSE.
2 HOPEFULLY YOU COULD PUT A CAVEAT ON THOSE, THAT THIS IS
3 TEMPORARY. THE REGULATIONS MAY CHANGE.

4 THE OTHER -- THERE WAS ONE ITEM THAT I
5 DIDN'T SEE IN THIS DRAFT OF THE PROPOSED EMERGENCY, AND
6 THAT'S DEALING WITH THE TIRE EQUIVALENCY PROBLEM.

7 MS. RICE: WE WERE GOING TO DEAL WITH THAT IN
8 THE REGULAR RULEMAKING.

9 CHAIRMAN FRAZEE: OH, YOU DON'T THINK WE NEED
10 TO DEAL WITH THAT IN THE EMERGENCY?

11 MS. RICE: WELL, WE WERE TRYING TO CLOSELY
12 CONSTRAIN WHAT WE DEFINED AS THE EMERGENCY TO OUR
13 DIFFICULTY WITH THE EXCLUSIONS THAT ARE CURRENTLY IN
14 REGULATION. THE OTHER ISSUES SEEMED SO MUCH MORE
15 COMPLEX AND WE NEED TO HEAR THE DEBATE FROM THE
16 INTERESTED PARTIES. THAT'S ALSO WHY WE DIDN'T INCLUDE
17 THE RECYCLING BUSINESS ISSUE IN HERE THAT MR. WHITE HAS
18 DESCRIBED.

19 I THINK, AS MR. RELIS INDICATED, THAT
20 WILL TAKE QUITE A BIT OF WORK WITH ALL THE INTERESTED
21 PARTIES TO CRAFT IT APPROPRIATELY WHAT THAT EXCLUSION
22 SHOULD BE.

23 CHAIRMAN FRAZEE: LACKING THAT, I THINK WE
24 POINTED OUT THIS EARLIER, YOU COULD, BY ADOPTING THESE
25 DRAFT REGULATIONS, YOU COULD PUT PEOPLE IN THE POSITION

1 OF GETTING A PERMIT AND FINANCIAL ASSURANCES; AND THEN
2 WHEN WE GET THE FULL REGULATIONS IN, THEY WOULD BE OUT
3 OF THE -- THEY WOULD BE EXEMPT.

4 MS. RICE: RIGHT. BUT TO POINT OUT, THAT IS
5 THE SITUATION WE ARE IN TODAY. IF SOMEONE TODAY HAS AN
6 EXCLUSION THAT WE REVOKE OR THEY ARE NOT QUALIFIED FOR
7 AN EXCLUSION, THEY FALL INTO THE PERMIT PROCESS TODAY,
8 AS IS THE CASE WITH THE CRUMB RUBBER PRODUCER THAT WE
9 WERE TALKING ABOUT EARLIER. SO THAT IS OUR UNDER-
10 STANDING OF CURRENT LAW WHETHER OR NOT YOU DO ANYTHING
11 WITH THIS EMERGENCY REGULATION. SO THIS, IN A SENSE,
12 WOULD NOT AFFECT THAT. THAT WILL OCCUR.

13 IF YOU ALLOW JUST THE REGULAR RULEMAKING
14 PROCESS TO CONTINUE, WE WILL BE IN THAT SITUATION
15 ANYWAY WHERE IF SOMEONE DOES NOT QUALIFY FOR ONE OF THE
16 EXISTING EXCLUSIONS OR THEY GET THEIR EXCLUSION
17 REVOKED, THEY'RE REQUIRED TO GET A PERMIT TODAY.

18 MEMBER JONES: BUT WHEN WE GO THROUGH THE
19 PROCESS, THE FULL RULEMAKING, WE CAN TALK ABOUT TIRE
20 EQUIVALENTS. WE CAN ALSO TALK ABOUT CLOSURE FUNDING
21 ISSUES THAT DEAL WITH THOSE REMANUFACTURING PLANTS.

22 MS. RICE: ALL ISSUES WOULD BE ON THE TABLE.

23 MEMBER JONES: I THINK WE NEED TO DEFINE AS
24 ONE OF THE THINGS WHAT IS TIRE RECYCLING. I MEAN I

25 SERIOUSLY THINK THAT, YOU KNOW, WE NEED -- I THINK
THAT

1 SOLVES A LOT OF THESE PROBLEMS, YOU KNOW, IS DEFINING
2 WHAT IT IS.

3 HOW LONG WILL IT TAKE? MR. CHAIRMAN,
4 GOING DOWN YOUR LINE OF QUESTIONING, I JUST WANTED TO
5 ASK ONE QUESTION. WOULD YOU HAVE ENOUGH TIME BETWEEN
6 NOW AND THE BOARD MEETING TO COME UP WITH THE PLAN OF
7 HOW THESE --

8 MS. RICE: YES.

9 MEMBER JONES: HOW THIS WILL WORK.

10 MS. RICE: WE WILL COME WITH A PROPOSAL. MORE
11 THAN HAPPY TO DO THAT. THIS IS VERY IMPORTANT TO
12 STAFF, AND WE WILL BRING YOU LANGUAGE AND TRY TO GET IT
13 TO YOU AS QUICKLY AS POSSIBLE SO YOU CAN LOOK AT IT IF
14 THAT'S YOUR WISH.

15 CHAIRMAN FRAZEE: THAT'S A PROPOSAL TO EXEMPT
16 THE MANUFACTURING?

17 MS. RICE: NO. THAT WOULD BE A PROPOSAL TO
18 PLACE A REASONABLE PROCESS IN PLACE FOR THE EMERGENCY
19 REGULATION TO PROVIDE TIME FOR THE COMPANY TO APPLY FOR
20 A PERMIT AND GET THAT PERMIT AND OPERATE WHILE THEY'RE
21 APPLYING, AS I HEARD WAS THE DIRECTION OF THE COMMITTEE
22 THAT YOU WOULD WANT TO SEE.

23 MEMBER RELIS: SO THERE'D BE NO EXEMPTION FOR
24 THE MANUFACTURING AS I HEAR IT, RIGHT?

25 MS. RICE: CORRECT. THAT'S CORRECT. THAT

1 WOULD BE DEALT WITH IN THE LONGER RANGE RULEMAKING. SO
2 IN THE SHORT TERM, THEY WOULD BE LOOKING --

3 MEMBER RELIS: THEY'D HAVE TO GET A PERMIT.

4 MS. RICE: MAJOR OR MINOR.

5 CHAIRMAN FRAZEE: I GUESS THAT'S MY HANGUP
6 POINT IS THAT I HAVE SOME FEELING, JUST AS IN THE
7 CONTAMINATED SOIL REGS, WE EXEMPTED MANUFACTURING RIGHT
8 OFF THE TOP OF THE TABLE AND THAT WAS IT.

9 MS. RICE: CORRECT. IT WAS JUST NEVER DONE IN
10 THIS TIRE RULEMAKING, WHICH HAS BEEN ON THE BOOKS FOR
11 SOME TIME, SO THE PROGRAM THAT WE ARE CURRENTLY
12 IMPLEMENTING PLACES THESE COMPANIES IN THIS POSITION
13 TODAY. SO WHETHER OR NOT YOU ACT ON THIS EMERGENCY
14 REGULATION IN THIS OR IN ANOTHER FORM, I WILL BE FACED
15 WITH DECISIONS TO LET THESE FOLKS KNOW, PUT THEM UNDER
16 ENFORCEMENT ORDER THAT YOU ARE REQUIRED UNDER LAW TO
17 GET A PERMIT.

18 MEMBER JONES: I DON'T KNOW IF IT'S LEGAL OR
19 NOT. CAN WE INCLUDE THAT IN THIS RULEMAKING WHERE --
20 IN THESE EMERGENCY REGS WHERE WE DEFINE ONE OF THE
21 EXEMPTIONS AS MANUFACTURING WHERE -- AND YOU CAN SAY
22 IT
23 REAL SIMPLY, THAT THE TIRE DOESN'T RESEMBLE A TIRE
24 WHEN

25 IT'S DONE WITH THE PROCESS. I MEAN THAT SHOULD GIVE
26 US

24 ENOUGH TIME TO AT LEAST, YOU KNOW, DEAL WITH THE
ISSUES

25 THROUGH THE RULEMAKING.

1 MEMBER RELIS: I WOULD ONLY SAY FROM
2 EXPERIENCE THAT THE TIME MAY BE LONGER THAN -- I MEAN
3 REALISTICALLY, WHEN YOU GET INTO THE ISSUE OF WHAT IS
4 MANUFACTURING AND WHAT ISN'T, WE'VE SPENT YEARS AND
5 YEARS ON THAT. AND I DON'T KNOW THAT IT WILL BE ANY
6 EASIER WITH TIRES THAN IT WAS FOR ANY OTHER. BE
7 REALISTIC ABOUT TIME BECAUSE, YOU KNOW, AS MUCH AS I'D
8 LIKE TO SEE THAT, IT SEEMS LIKE IF WE PROCEED ON THE
9 COURSE AS IS, YOU'RE NOT SUSPENDING THAT PROCESS. AND
10 THEY HAVE TO GET A PERMIT; AND WHENEVER YOU FIGURE IT
11 OUT, IT MIGHT GET CHANGED. BUT IF YOU JUST SAY COMMIT
12 TODAY, WELL, WE'RE GOING TO DEFINE THAT IN THE
13 RULEMAKING, WE'RE GOING TO GET A LITTLE LINE IN THERE,
14 THEN WHAT'S THE TIME FRAME OF THE RULEMAKING? IS IT
15 TWO MONTHS, A YEAR?

16 MS. RICE: IT'S A RULEMAKING LIKE ANY OTHER.
17 AND I THINK YOU CAN TELL BY THE INTEREST IN THE ISSUE
18 THAT'S IT'S GOING TO BE A COMPLEX ONE, SIMILAR TO
19 TIERED PERMITTING DISCUSSIONS YOU'VE HAD AND MANY
20 OTHERS. AND OBVIOUSLY YOU ARE GOING TO GET INTO THE
21 DEBATE OVER WHAT IS A WASTE AND WHAT IS A COMMODITY
22 AND
23 ALL THOSE GOOD DISCUSSIONS. SO WE WERE NOT ASSUMING
24 THIS WOULD BE A QUICK AND EASY RULEMAKING, WHICH IS
25 WHY
26 WE PROPOSED THE NARROW EMERGENCY REGULATION ON THE

ONE

25 FOCUSED ISSUE OF THE EXCLUSION.
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1 I SHARE THE FRUSTRATION, THAT WE DON'T
2 WANT TO PUT THESE FOLKS OUT OF BUSINESS. CERTAINLY
3 WILLING TO GIVE IT A TRY TO COME UP WITH LANGUAGE; BUT
4 AS MR. RELIS INDICATED, I DON'T THINK IT'S GOING TO BE
5 AN EASY THING TO DO.

6 MEMBER JONES: I DON'T THINK IT'S GOING TO BE
7 EASY EITHER, BUT I THINK THAT SOMETIMES WE TAKE FOR
8 GRANTED WHAT GETTING CLOSURE-POSTCLOSURE FUNDING REALLY
9 AMOUNTS TO. YOU KNOW, I GO A LITTLE BIT CRAZY WHEN
10 SOMEBODY SAYS ALL THEY NEED IS A BOND. WHEN'S THE LAST
11 TIME YOU WENT OUT AND GOT A BOND? YOU KNOW WHAT I
12 MEAN? I'M NOT SAYING THAT -- I AM SAYING IT
13 SARCASTICALLY, BUT I'M ALSO TRYING TO SAY IT TO DELIVER
14 A MESSAGE, THAT WHEN WE JUST ARBITRARILY SAY THERE'S NO
15 BIG DEAL, WELL, MAYBE IT ISN'T IN OUR WORLD, BUT IT
16 REALLY IS A BIG DEAL WHEN YOU'RE SO TIGHT THAT YOU
17 DON'T HAVE THE MONEY TO DO IT, YOU KNOW. AND WE DON'T
18 LOOK AT THINGS LIKE WE OWN THE PROPERTY, YOU KNOW. WE
19 DO THIS OR WE DO THAT. AND THAT JUST BOTHERS ME
20 BECAUSE I JUST THINK IT'S ANOTHER LAYER OF PROTECTION
21 THAT, YOU KNOW, SOME NEED IT, SOME DON'T, BUT WE DON'T
22 KNOW WHO NEEDS IT AND WHO DOESN'T. AND IT JUST, YOU
23 KNOW, IT JUST KILLS ME SOMETIMES WHEN SOMEBODY SAYS,
24 WELL, JUST GET A BOND. JUST GET A BOND, NO PROBLEM.

25

CHAIRMAN FRAZEE: OKAY. DO YOU HAVE
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1 SUFFICIENT DIRECTION?

2 MS. RICE: I ASSUME WE'RE COMING TO THE BOARD
3 MEETING WITH LANGUAGE FOR A REASONABLE PROCESS TO
4 IMPLEMENT THIS EMERGENCY REGULATION.

5 CHAIRMAN FRAZEE: AND WAS THE CONSENSUS
6 DEALING WITH THE MANUFACTURING ISSUE AT THIS TIME OR
7 NOT?

8 MEMBER JONES: I'D LIKE TO.

9 CHAIRMAN FRAZEE: I WOULD TOO.

10 MS. RICE: WE'LL DO WHAT WE CAN.

11 MEMBER JONES: EVEN IF WE DO SOMETHING JUST -
-

12 CHAIRMAN FRAZEE: AND, YOU KNOW, I'M NOT
13 SUGGESTING THAT MANUFACTURING BE CUT FREE ALTOGETHER,
14 THAT SOME REASONABLE VARIATION OF MR. WHITE'S PROPOSAL
15 WOULD --

16 MS. RICE: RIGHT. AND I ASSUME, SIMILAR TO
17 THE CEMENT KILN EXEMPTION, YOU WOULD WANT THEIR
18 STOCKPILE TO MEET STORAGE STANDARDS.

19 MEMBER JONES: YES.

20 CHAIRMAN FRAZEE: WELL, I THINK THAT'S SET
21 FORTH IN WHAT HE PRESENTED TO US TOO. OKAY.

22 DO WE NEED ANY FORMAL ACTION ON THAT?
23 IT'S JUST GOING TO BE CONTINUED TO THE COMMITTEE
24 WITHOUT OBJECTION -- I MEAN TO THE FULL BOARD WITHOUT
25 OBJECTION. OKAY. GOOD. THANK YOU ONE AND ALL.

1 NOW, WE HAVE ONE FINAL ITEM, SO I GUESS
2 WE'LL TAKE THAT BEFORE LUNCH. LET'S TAKE A BRIEF
3 BREAK.

4 (RECESS TAKEN.)

5 CHAIRMAN FRAZEE: COMMITTEE WILL COME BACK TO
6 ORDER AGAIN. WE HAVE JUST ONE ITEM REMAINING. THIS
7 ONE, I THINK, WILL BE RATHER SHORT. SO AGENDA ITEM 8
8 IS THE CONSIDERATION OF ADOPTION OF FINANCIAL ASSURANCE
9 REGULATIONS FOR SOLID WASTE LANDFILLS, THE LOCAL
10 GOVERNMENT FINANCIAL TEST, AND LOCAL GOVERNMENT
11 GUARANTEE.

12 MS. RICE: THANK YOU, MR. CHAIRMAN AND
13 MEMBERS. NANCY JESTREBY WILL MAKE THE STAFF
14 PRESENTATION.

15 MS. JESTREBY: GOOD MORNING, CHAIRMAN FRAZEE
16 AND COMMITTEE MEMBERS. MY NAME IS NANCY JESTREBY OF
17 THE FINANCIAL ASSURANCES SECTION.

18 THIS ITEM IS TO SECURE APPROVAL OF THE
19 PROPOSED REGULATIONS, LOCAL GOVERNMENT FINANCIAL TEST,
20 AND LOCAL GOVERNMENT GUARANTEE, TWO NEW FINANCIAL
21 ASSURANCE MECHANISMS FOR LOCAL GOVERNMENT OPERATORS OF
22 SOLID WASTE LANDFILLS.

23 STAFF DETERMINED THE LOCAL GOVERNMENT
24 FINANCIAL TEST AND LOCAL GOVERNMENT GUARANTEE HAVE NO
25 ENVIRONMENTAL IMPACT, AND THIS PROJECT IS EXEMPT FROM

1 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CEQA.

2 THE PROPOSED REGULATIONS WERE NOTICED ON
3 NOVEMBER 21, 1997, AND THE 45-DAY COMMENT PERIOD CLOSED
4 ON JANUARY 5, 1998.

5 THE LOCAL GOVERNMENT FINANCIAL TEST AND
6 LOCAL GOVERNMENT GUARANTEE MECHANISMS WERE DEVELOPED BY
7 THE U.S. EPA. STAFF PROPOSES TO ADD THESE MECHANISMS
8 TO EXISTING REGULATIONS AS REQUIRED BY PUBLIC RESOURCES
9 CODE 43601. THIS SECTION WAS MODIFIED IN 1992 BY
10 SENATE BILL 610 TO REQUIRE THE BOARD TO ALLOW LANDFILL
11 OPERATORS TO PROVIDE FINANCIAL ASSURANCE BY USING A
12 MECHANISM IN BOARD REGULATIONS OR FEDERAL REGULATIONS
13 AS WRITTEN OR WITH CONDITIONS IMPOSED BY THE BOARD.

14 THE LOCAL GOVERNMENT FINANCIAL TEST
15 ALLOWS LOCAL GOVERNMENTS TO MEET FINANCIAL ASSURANCE
16 OBLIGATIONS FOR POSTCLOSURE MAINTENANCE AND CORRECTIVE
17 ACTION COSTS BY DEMONSTRATING THEIR FINANCIAL
18 STRENGTH. A LOCAL GOVERNMENT INTERESTED IN PROVIDING A
19 GUARANTEE FOR A LANDFILL OPERATED BY ANOTHER PUBLIC
20 AGENCY OR A PRIVATE FIRM MUST ALSO PASS THE LOCAL
21 GOVERNMENT FINANCIAL TEST.

22 THE PROPOSED REGULATIONS DO NOT ALLOW THE
23 USE OF THE NEW MECHANISMS TO ASSURE CLOSURE COSTS
24 BECAUSE IN DOING SO THERE COULD BE GREATER POTENTIAL

25

FOR DELAY IN CONDUCTING CLOSURE IF AN OPERATOR WAS

1 UNABLE TO PAY FOR CLOSURE ACTIVITIES IN A TIMELY
2 MANNER.

3 STAFF DETERMINED THE LOCAL GOVERNMENT
4 FINANCIAL TEST AND LOCAL GOVERNMENT GUARANTEE MIGHT NOT
5 PROVIDE EQUIVALENT ASSURANCE FOR CLOSING -- CLOSURE
6 COST AS THE EXISTING ENTERPRISE FUND MECHANISM WHICH IS
7 UTILIZED BY MOST PUBLIC OPERATORS FOR CLOSURE COSTS.
8 THIS IS CONSISTENT WITH EXISTING BOARD REGULATIONS,
9 SPECIFYING CERTAIN MECHANISMS CAN ONLY BE USED FOR THE
10 OPERATING COSTS OF POSTCLOSURE MAINTENANCE, BUT NOT
11 FORECLOSURE EXPENSES.

12 THE LOCAL GOVERNMENT FINANCIAL TEST
13 REGULATIONS SPECIFIES FINANCIAL CONDITIONS THAT RENDER
14 AN OPERATOR INELIGIBLE AND DEFINES AN OPERATOR'S
15 ELIGIBILITY TO USE THE LOCAL GOVERNMENT FINANCIAL
16 TEST. IN ORDER TO PASS EITHER ALTERNATIVE 1 OR
17 ALTERNATIVE 2, THE TEST MUST BE BASED ON FINANCIAL
18 STATEMENTS PREPARED IN CONFORMITY WITH GENERALLY
19 ACCEPTED ACCOUNTING PRINCIPLES OR GAP FOR GOVERNMENTS
20 AND AUDITED BY AN INDEPENDENT CERTIFIED PUBLIC
21 ACCOUNTANT.

22 ALTERNATIVE 1 REQUIRES A LOCAL
GOVERNMENT

23 TO PASS A LIQUIDITY RATIO AND A DEBT SERVICE RATIO.
24 ALTERNATIVE 2 REQUIRES A LOCAL GOVERNMENT WITH
25 OUTSTANDING RATED GENERAL OBLIGATION BONDS TO DOCUMENT

1 A CURRENT INVESTMENT GRADE BOND RATING BY STANDARD AND
2 POORS OR MOODY'S.

3 SINCE DISTRIBUTION OF THE REGULATION
4 PACKAGE, STAFF HAS RECEIVED TWO COMMENTS. ONE IS
5 OUTSIDE THE SCOPE OF THE RULEMAKING. THE OTHER IS
6 SUMMARIZED ON ATTACHMENT 2. THIS COMMENTER REQUESTED

A

7 QUALIFIED CPA OPINION BE ALLOWED FOR GOVERNMENTS THAT
8 DO NOT MAINTAIN A SUFFICIENTLY DETAILED FIXED ASSET
9 LEDGER TO OBTAIN AN UNQUALIFIED OPINION.

10 STAFF DID NOT ACCOMMODATE THIS
SUGGESTION

11 BECAUSE THE REQUIREMENT FOR THE UNQUALIFIED CPA
OPINION

12 ADDS GREATER ASSURANCE THAT GOVERNMENTS USING THE TEST
13 CAN APPROPRIATELY MANAGE THE LANDFILL COSTS.

14 STAFF RECOMMEND APPROVAL OF THE PROPOSED
15 LOCAL GOVERNMENT FINANCIAL TEST AND LOCAL GOVERNMENT
16 GUARANTEE REGULATIONS AND REQUESTS THIS ITEM BE
17 FORWARDED TO THE BOARD FOR ADOPTION. I AM READY TO
18 ANSWER ANY QUESTIONS YOU MAY HAVE.

19 MEMBER RELIS: MR. CHAIR, I'M PREPARED TO
MAKE

20 A RECOMMENDATION IF THERE ARE NO COMMENTS.

CONCURRENCE

21 IN RESOLUTION 98-15, ADOPTION OF THE FINANCIAL
22 ASSURANCE REGS AS PRESENTED.

23 MEMBER JONES: I'LL SECOND.

24 CHAIRMAN FRAZEE: WE HAVE A MOTION AND SECOND
25 ON THE ADOPTION OF RESOLUTION 98-15. IF THE SECRETARY

1 WILL CALL THE ROLL ON THAT.

2 THE SECRETARY: MEMBER RELIS.

3 MEMBER RELIS: AYE.

4 THE SECRETARY: MEMBER JONES.

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN FRAZEE.

7 CHAIRMAN FRAZEE: AYE. THE MOTION IS

8 CARRIED. AND DOES THAT ONE, IS THAT ELIGIBLE FOR

9 CONSENT? OR ACTUALLY DOES IT NEED TO GO TO THE BOARD?

10 REGULATION ADOPTION, IT'S JUST THE OPENING --

11 MS. TOBIAS: AREN'T WE AT THE ADOPTION STAGE?

12 CHAIRMAN FRAZEE: THE ADOPTION DOES. OKAY.

13 CAN IT GO ON CONSENT?

14 MS. TOBIAS: I THINK THAT'S REALLY UP TO YOU

15 AT THIS POINT.

16 MEMBER JONES: PUT ON CONSENT.

17 CHAIRMAN FRAZEE: IF THERE'S NO OBJECTION,

18 WE'LL DO THAT.

19 IF THERE'S ANYTHING ELSE TO COME

20 BEFORE -- JUST LIKE TO MAKE ONE CLOSING COMMENT HERE

21 ABOUT MY COLLEAGUE, MR. RELIS. THIS IS HIS FINAL

22 MEETING, ALTHOUGH I THINK HE HAS SOME REGRETS NOW AFTER

23 THE EXCITEMENT OF THE TIRE ISSUE.

24 MEMBER RELIS: THIS ONE REALLY MADE ME WANT TO

25 LINGER.

1 CHAIRMAN FRAZEE: BUT I JUST, FOR ONE MEMBER
2 OF THIS BOARD, WANT TO LET YOU KNOW HOW MUCH I
3 APPRECIATE ALL OF YOUR HARD WORK AND YOUR DILIGENCE AND
4 YOUR BALANCE THAT YOU BRING TO THIS OPERATION. AND YOU
5 ARE GOING TO BE SORELY MISSED. I THINK IT'S GOING TO
6 BE VERY DIFFICULT TO -- FOR THE GOVERNOR TO FIND
7 SOMEONE TO REPLACE YOU, SO PERHAPS YOU COULD COME BACK
8 AGAIN AFTER A MONTH'S VACATION.

9 MEMBER RELIS: THANKS A LOT, BOB. I
10 APPRECIATE THAT. I APPRECIATE ALL THE GOOD WORDS.
11 WHEN YOU ARE LEAVING, YOU KNOW, EVERYBODY IS RELAXED
12 AND IT'S A NICE KIND OF TIME. I'VE GREATLY ENJOYED A
13 LOT OF THE WORK ON THE PERMITS COMMITTEE. I THINK I'VE
14 LEARNED A GREAT DEAL. I NEVER DID HAVE MUCH EXPERIENCE
15 OTHER THAN A BRIEF TIME ON THE COASTAL COMMISSION WHERE
16 I DEALT WITH REGULATORY MATTERS, BUT I CERTAINLY NOW
17 APPRECIATE THE RIGORS OF THE REGULATORY PROCESS AND HOW
18 EVERY WORD COUNTS AND MATTERS AND HOW SOME WORK AND
19 SOME COME BACK TO HAUNT YOU. AND I WISH YOU ALL
SUCCESS WITH THIS TIRE AREA PARTICULARLY, AND I'LL
FOLLOW IT CLOSELY IN MY NEXT ROUND.

 CHAIRMAN FRAZEE: OKAY. WITH THAT, THE
COMMITTEE IS ADJOURNED.

 (THE COMMITTEE WAS THEN ADJOURNED AT
12:15 P.M.)

